



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.859 OF 2024
IN
CRIMINAL APPEAL NO.496 OF 2024

Maheshwari w/o Mahesh Rahangdale

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Lakadganj, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. G. S. Gour, Counsel for the appellant.
Mr. A. R. Chutke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/09/2024

1. By this application, the appellant is seeking suspension of sentence and releasing her on bail.

2. Learned Counsel for the appellant submitted that the appellant was prosecuted for the offence punishable under Sections 376(1)(n), 376(AB) and 506 read with Section 34 of the Indian Penal Code and under Sections 4, 6 and 21 of the Protection of Children from Sexual Offences Act. He also pointed out from the impugned judgment that he has many arguable points in the present appeal which are not considered by the learned Special Court. He further submitted that punishment imposed is of a limited period and the appeal would take its own time for its final disposal and in the

meanwhile, if sentence is executed the purpose of preferring the appeal would frustrate.

3. Learned APP strongly opposed the said application on the ground that the appeal itself is devoid of merits and liable to be dismissed. In view of that, the application deserves to be rejected.

4. After hearing the learned Counsel for the appellant and learned APP for the State, perused the impugned judgment from which the learned Counsel for the appellant pointed out that he has many arguable points. Admittedly, the appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. Moreover, the punishment imposed is of a limited period. In view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The execution of sentence passed in Sessions Case No.309/2023 is suspended till disposal of the appeal.

(iii) The appellant **Maheshwari w/o Mahesh Rahangdale** shall be released on bail on executing PR Bond of Rs.25,000/- with one solvent surety in the like amount.

5. The application is disposed of.

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- (i) Heard.
- (ii) **Admit.**
- (iii) Learned APP waives service of notice for the State.
- (iv) Call for record and proceedings.
- (v) Appeal be listed before this Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)