



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

CRIMINAL APPLICATION (APPA) NO.901 OF 2024
IN
CRIMINAL APPEAL NO.525 OF 2024

Nikhil Diliprao Gawande

Vs.

State of Maharashtra, Through Police Station Officer, Babhulgaon,
District Yavatmal

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

Court's or Judge's orders

Mr. Y. K. Dhande, Advocate for appellant.
Mr. A. V. Palshikar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/09/2024

1. By this appeal, the appellant is seeking suspension of sentence and releasing him on bail.
2. The appellant was prosecuted for the offence punishable under Sections 354, 354-A of the Indian Penal Code and under Section 3(1)(w)(i), 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.
3. Learned trial Court has acquitted the appellant from the offences punishable under the prevention of Atrocities Act and convicted for the offences punishable under Sections 354 and 354-A of the Indian Penal Code and sentenced to suffer simple imprisonment for one year and fine of Rs.500/-, in default, simple imprisonment for 15 days. He is further convicted for the offence punishable under

Section 354-A and sentenced to suffer simple imprisonment for one year and fine of 500/-, in default to suffer further simple imprisonment for 15 days.

4. Learned Counsel for the appellant submitted that the appeal would take its own time for its final disposal. The appellant has many arguable points in the present appeal. In view of that, the execution of sentence be suspended and he be released on bail.

5. Learned APP strongly opposed the said application on the ground that the appeal itself is devoid of merits and therefore, the application deserves to be rejected.

6. Perused the impugned judgment as well as the submissions of the learned Counsel for the appellant. Admittedly, the appeal would take its own time for its final disposal. In the meanwhile, if sentence is executed, the purpose of preferring the appeal would frustrate. 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 Special Case No.155/2023 is suspended, till disposal of the appeal.

(iii) The appellant shall be released on bail on executing PR Bond in the sum of

Rs.15,000/- with one solvent surety in the like amount.

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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 the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)