



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

CRIMINAL APPLICATION (APPA) NO. 86/2024 IN
CRIMINAL APPEAL NO. 43/2024

Shri Dipak Chindhuji Barekar V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.J.Nagbhirey, counsel for the applicant/appellant.
Mrs. Sneha Dhote, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/02/2024.

1. By this application, the applicant/appellant is seeking suspension of sentence and releasing him on bail.
2. The appellant was prosecuted for the offence punishable under Section 354-A of the Indian Penal Code, 1860 and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. The learned counsel for the appellant submitted that the learned trial Court has not appreciated the evidence in proper perspective. The appellant has many arguable points in the present appeal but the appeal will take its own time for its final decision. In the meantime, if the sentence is executed, the appeal will become infructuous.
4. Learned APP strongly opposed the application on the ground that the appeal is devoid of merits and liable to be dismissed. In view of that, no grounds are made out for suspension of sentence and prays for rejection of the application.

5. Having heard learned counsel for the appellant and learned APP for the State, perused the depositions and the impugned judgment. From the impugned judgment, learned counsel for the appellant pointed out the arguable points, which shows that the appellant has every chance of success in the present appeal but the appeal will take its own time for its final decision. Therefore, the prayer of the appellant for suspension of sentence deserves to be allowed.

6. In view of that, I proceed to pass the following order:

- i) The execution of the sentence is suspended, till disposal of the appeal.
- ii) The appellant be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

7. Learned counsel for the appellant submitted that he is not pressing the prayer No.1, in view of that the Criminal Application (APPA) No.86/2024 is **disposed of**.

CRIMINAL APPEAL STAMP NO. 8264 OF 2023

1. Heard.
2. **ADMIT.**
3. Call for R. & P.
4. Learned APP waives service of notice for the State.
5. Place the appeal before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J.]