



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.1020 OF 2024
IN
CRIMINAL APPEAL NO.587 OF 2024
(Prashant s/o Bandu Thul Vs. 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. C.A. Babrekar, Advocate for the appellant.
Ms S. Thakur, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 17, 2024.

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

2. Learned Counsel for the appellant submitted that the appellant is convicted of the offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer R.I. for two years and to pay fine of Rs.1000/- in default to suffer further S.I. for one month. He is also convicted of the offence punishable under Section 235(2) of the Cr.PC. and Section 354-A of the IPC and sentenced to suffer R.I. for two years and to pay fine of Rs.500/- in default to suffer S.I. for one month. The applicant is also convicted of the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer R.I. for two years and to pay fine of Rs.1000 in default to suffer S.I. for one month.

3. From the impugned judgment he pointed out that he has many arguable points in the present appeal.

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. In view of that, he be released on bail and the execution of sentenced be suspended.

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

5. I have heard learned Counsel for both the parties and perused the order passed by the Additional Sessions Judge, Yavatmal from which learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period. 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. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 26/08/2024 passed by the Additional Sessions Judge, Yavatmal in Special Case No.116/2022 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Prashant s/o Bandu Thul be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) with one surety, in the like amount.

6. The application stands disposed of.

CRIMINAL APPEAL NO.587 OF 2024

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P.

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)