



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

CRIMINAL APPLICATION (APPA) NO. 1155 OF 2023
IN
CRIMINAL APPEAL NO. 714 OF 2023

Santosh Najukrao Dhande Vs State of Maharashtra and another.

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

Court's or Judge's Order

Mr. V.B. Bhise, counsel for the applicant.

Mr. H.D. Dubey, APP for non-applicant/State.

Mr. Kamal Anadani, counsel h/f Mr. U.J.Deshpande, counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/10/2024.

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

2. The applicant has challenged the judgment and order of sentence passed in Sessions Trial No. 51/2017, by which the applicant is convicted for the offence punishable under Section 354(A), 354(D) of the Indian Penal Code, 1860 and sentenced to suffer R.I. for two years and fine of Rs. 10,000/-. The applicant is further convicted for the offence punishable under Section 354(D) and sentenced to suffer R.I. for two years and fine of Rs. 10,000/-, in default, R.I. to six months; and under sections 8 and 12 of the Protection of Children from Sexual Offences Act and fine of Rs. 15,000/- in default R.I for nine months.

3. Learned counsel for the applicant further pointed out from the impugned judgment that the learned trial Court has not considered the evidence in proper perspective and he has many arguable points in the present appeal, but the appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, the appeal would become infructuous.

4. The learned APP and learned counsel for the non-applicant No.2 strongly opposed the present application on the ground that the appeal itself is devoid of merits and liable to be dismissed.

5. Having heard the learned counsel for the applicant and the learned APP and learned counsel for the victim, perused the impugned judgment. Considering the fact that a limited period sentence is imposed on the present applicant as well as the appeal would take its own time for its final decision and in the meantime, if the sentence is executed, the appeal would become infructuous. Moreover, the applicant has also made out the arguable points which can be considered while considering the appeal.

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

- (i) Application is allowed.
- (ii) The execution of substantive sentence imposed by learned Additional Sessions Judge, Akot,

District Akola is hereby suspended till disposal of the appeal.

- (iii) The applicant shall be released on bail on executing PR. Bond in the sum of Rs.15,000/- each with one solvent surety in the like amount.

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1. Heard.
2. **Admit.**
3. Learned APP waives service of notice on behalf of respondent/State.
4. Learned counsel waives service of notice on behalf of respondent No.2.
5. Appeal be listed before the Court after preparation of paper-book.

[URMILA JOSHI-PHALKE, J.]