



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

CRIMINAL APPLICATION NO.1076 OF 2024

IN

CRIMINAL APPEAL NO.626 OF 2024

(Rajendra @ Raju Moreshwar Tajane and ors. Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. G. Dhaye, Advocate h/f Mr. N.B. Rathod, Advocate for the appellants.
Mrs. H.N. Prabhu APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- OCTOBER 25, 2024.

By this application, the appellants are seeking suspension of sentence and releasing them on bail.

2. Learned Counsel for the appellants submitted that the appellants were prosecuted of the offence punishable under Sections 354, 354-A(i) and 506 read with Section 34 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

3. After full-fledged trial, the appellant No.1 – Rajendra @ Raju Moreshwar Tajane, appellant No.2 – Arvind Vasanta Ude, appellant No.3 – Purushottam Charandas Ghogare and appellant No.4 – Nikhil Vitthal Derkar are convicted of the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5000/- in default to suffer simple imprisonment for three months.

4. Learned Counsel for the appellants submitted that the punishment imposed is of a limited period and 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, they be released on bail and the execution of sentenced be suspended.

5. 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.

6. I have heard learned Counsel for both the parties and perused the impugned judgment from which learned Counsel for the appellants has pointed out that he has many arguable points in the present appeal. Moreover, 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 10/10/2024 passed by the Special Judge-1, Kelapur in Special Case No.07/2017 is hereby suspended till final disposal of the appeal.

(iii) The appellants i.e. appellant No.1 – Rajendra @ Raju Moreshwar Tajane, appellant No.2 – Arvind Vasanta Ude, appellant No.3 – Purushottam Charandas Ghogare and appellant No.4 – Nikhil Vitthal Derkar be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) each with one solvent surety each, in the like amount.

7. The application stands disposed of.

CRIMINAL APPEAL NO.626 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.)