



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

CRIMINAL APPLICATION (APPA) NO.1229 OF 2023
IN
CRIMINAL APPEAL NO.761 OF 2023

Sagar Tukaramji Babhulkar

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Samudrapur, District Wardha and another

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

Court's or Judge's orders

Mr. S. R. Dube, Counsel for the applicant/appellant.

Mr. K. R. Lule, APP for respondent No.1/State.

Mr. D. M. Surjuse, Counsel for the respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/08/2024

1. By this application, the appellant is seeking suspension of sentence and prayed for grant of bail.

2. Learned Counsel for the appellant submitted that the appellant was prosecuted of the offence punishable under Sections 341, 354-A(1)(i), 354-D(1)(i), 504 and 506 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act. After recording the evidence, the learned trial Court held the present appellant guilty and sentenced him to suffer rigorous imprisonment of three years of the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act. He is also held guilty of the offence punishable under Section 341

and sentenced to undergo simple imprisonment for one month and fine of Rs.2000/-, in default simple imprisonment for one week. He submitted that the punishment imposed is of a limited period. The appeal would take its own time for its final disposal. In the meanwhile, if sentence is executed the appeal would become infructuous.

3. Learned APP for the State and learned Counsel for the respondent No.2 strongly opposed the said application and submitted that appeal itself is devoid of merits and therefore, the application deserves to be rejected.

4. After hearing the learned Counsel for the parties and perused the impugned judgment from which learned Counsel for the appellant 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 meanwhile, if the sentence is executed, the appeal would become infructuous. In view of that the execution of sentence deserves to be suspended. Accordingly, I proceed to pass following order:

(i) The execution of sentence in Special Case No.6/2019 is suspended till disposal of the appeal.

(ii) The appellant **Sagar Tukaramji Babhulkar** shall be released on bail on executing PR Bond of Rs.25,000/- with one solvent surety of the like amount.

5. The criminal application is disposed of.

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1. Heard.
2. **Admit.**
3. Learned APP waives service of notice for the State.
4. Learned Counsel Mr. Surjuse waives service of notice for the respondent No.2.
5. Call for record and proceedings.
6. Appeal be listed before this Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)