



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

CRIMINAL APPLICATION NO.527 OF 2024

IN

CRIMINAL APPEAL NO.295 OF 2024

(Ishwar s/o Rameshwar Ingle 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. M.V. Rai, Advocate for the appellant.
Ms S. Haider, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MAY 21, 2024.

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

2. The appellant was prosecuted of the offence punishable under Sections 354, 354-A(1)(i) and 354-A(2) and 323 of the Indian Penal Code and Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The maximum punishment awarded is of 3 years. Learned Counsel for the appellant submitted that the appeal will take its own time for its final decision. In the meantime, if sentence is executed, the appeal would become infructuous. In view of that, the execution of sentence be suspended and the appellant be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the appeal is

devoid of merits and the application deserves to be rejected.

5. I have heard learned Counsel for both the parties and perused the impugned judgment 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 punishment. The appeal would take its own time for its final decision. In the meantime, if sentence is executed, the appeal would become infructuous. 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 09/05/2024 passed by the Special Judge (POCSO Act), Malkapur in Special Case No.2/2020 is hereby suspended till final disposal of the appeal.

(iii) The appellant be released on bail on executing PR. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety, in the like amount.

(iv) The appellant shall furnish his Cell-phone number and address along with address proof before the trial Court.

6. The application stands disposed of.

CRIMINAL APPEAL NO.295 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.)

**Divya*