



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

CRIMINAL APPLICATION [APPA] NO. 823 OF 2024

IN

CRIMINAL APPEAL NO. 468 OF 2024

NITIN RAMKRUSHNA RAKHONDE

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., NANDURA, DIST. BULDHANA

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

Court's or Judge's Order

Mr. K. G. Rathi, Advocate appointed for the applicant/appellant.
Mr. H. D. Futane, A.P.P. for the respondent/State.

CORAM : G. A. SANAP, J.

DATE : OCTOBER 01, 2024.

1. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the State. Perused the record and proceedings.
2. This is an application for suspension of substantive sentence and for grant of bail.
3. The applicant/appellant has been, on conviction for the offences punishable under Section 354 of the IPC and under Section 8 of the Protection of Children from Sexual Offences Act, 2012, sentenced to suffer imprisonment for two years and three years, respectively, with fine.
4. It is stated that during pendency of the trial, the appellant was on bail. There is no grievance of misuse of the bail conditions. It is submitted that considering the offences proved against the appellant and the sentence awarded by the learned Special Judge, Malkapur, it is

necessary to suspend the sentence. Learned advocate submitted that he has a good case on merits.

5. It is to be noted that for the proved offences, the maximum sentence awarded is three years. The applicant is also directed to pay fine.

6. Learned APP submitted that considering the sentence imposed by the learned Judge, this Court may pass an appropriate order. However, he submits that there is no substance in the appeal.

7. The grounds of challenge to the impugned judgment and order have been set out in the memo of appeal. In my view, the appeal will have to be heard and decided on merits. Considering the nature of the offences proved against the appellant, it would be just and proper to suspend the sentence during pendency of the appeal.

8. In view of the above, the application is allowed.

9. The substantive sentence awarded by the learned Special Judge, Malkapur by the judgment and order dated 04.10.2023, shall remain suspended during pendency of the appeal.

10. Applicant – Nitin Ramkrushna Rakhonde be released on bail on his furnishing PR bond in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with one surety in the like amount. Bail before the trial Court.

11. The application stands disposed of.

(G. A. SANAP, J.)