



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

CRIMINAL APPLICATION [APPA] NO. 1122 OF 2024

IN

CRIMINAL APPEAL NO. 663 OF 2024

DARSHAN S/o SANJAY GADE

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., RAMDAS PETH, AKOLA, DIST. AKOLA.

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

Court's or Judge's Order

Mr. Amol K. dobade, Advocate appointed for the appellant.
Mr. Ganesh Umale, A.P.P. for the respondent State

CORAM : G. A. SANAP, J.

DATE : DECEMBER 16, 2024.

1. Heard Mr. Amol K. Dobade, learned advocate appointed to represent the appellant and learned Additional Public Prosecutor for the respondent/State. Perused the record and proceedings.
2. This is an application for suspension of substantive sentence and for grant of bail.
3. The appellant has been convicted and sentenced for the offences punishable under Sections 354, 354-A and 354-D of the Indian Penal Code and under Sections 7 r/w 8 and 11(iv) r/w 12 of the POCSO Act by the impugned judgment and order dated 21.05.2024.
4. The maximum sentence awarded is imprisonment for three years with fine. It is submitted that the appellant has a good case on merits. The grounds of challenge to the impugned judgment and order have been set out in the

appeal memo. The appellant has been in jail from the date of his arrest. It is submitted that the appeal may take some time for final adjudication and therefore, it is necessary to suspend the substantive sentence. Learned advocate submitted that if the substantive sentence is not suspended, then the very purpose of filing the appeal would be frustrated.

5. On going through the record and proceedings, I am satisfied that this is a fit case for suspension of the substantive sentence. The merits of the appeal cannot be gone into at this stage. The appellant has deposited the fine amount. Considering the term sentence, it would be just and proper to grant the application.

6. In view of the above, the criminal application is allowed.

7. The judgment and order dated 21.05.2024 by the learned Extra Joint District Judge and Additional Sessions Judge, Akola, in Special POCSO Case No. 163/2023, shall remain suspended during pendency of this appeal.

8. Applicant/appellant – Darshan S/o Sanjay Gade be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount. Bail to be furnished before the trial Court.

9. The application stands disposed of in the aforesaid terms.

(G. A. SANAP, J.)