**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3282 OF 2024**
**IN**
**CRIMINAL APPEAL NO. 1094 OF 2024**

Bharat Mahadev Shahu ...Applicant

V/s.

The State of Maharashtra and Ors. ...Respondents

Mr. Mohansinh U. Rajput, (through VC) Advocate for the Applicant/Appellant.
Mr. Harsh Dedia, h/f Mr. H. S. Venegavkar Special PP for Respondent No. 1.
Ms. Ranjana Humane, APP for the Respondent No.2.
Mr. Aditya Bapat appointed for Respondent No.3.

**CORAM : N.R. BORKAR, J.**
**DATE : 20.08.2025.**

**P.C. :**

1. By this application the applicant is seeking suspension of sentence and grant of bail during the pendency of the Criminal Appeal No. 1094 of 2024 filed by him against the judgment and order dated 08.12.2022 passed by the Sessions Judge, Daman in Sessions case No. 3 of 2021 by which the learned Sessions Judge has convicted the applicant for offence punishable under Section 376 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for 10 years.

2. I have heard the learned counsel for the applicant, learned Special PP for the Union territory of the Dadra and Nagar Haveli and Daman and Diu and the learned counsel for the respondent No.3-Prosecutrix.

3. The learned counsel for the applicant submits that the applicant has a good case on merits. It is submitted that the applicant has already undergone a substantial part of the sentence of four years and nine months. It is submitted that the applicant is not likely to abscond if he is released on bail.

4. On the other hand, learned Special PP and learned counsel for the respondent No.3-prosecutrix submit that the applicant is convicted for the serious offence punishable under Section 376 of the Indian Penal Code. It is submitted that considering the nature of crime, the sentence may not be suspended.

5. The fact that the applicant has already undergone a sentence of four year and nine months is not disputed. This Court has already admitted the appeal by order dated 25.09.2024.

Considering the pendency of the criminal appeals, the present appeal is not likely to be taken up for final hearing.

6. Considering the overall facts and circumstances of the case, I am inclined to suspend the sentence and release the applicant on bail. In the result, the following order is passed:

**O R D E R**

a] The Application is allowed.

b] The substantive sentence imposed by the trial Court is hereby suspended and the Applicant be released on bail on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

c] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, during the pendency of the present appeal.

**[N.R.BORKAR, J.]**