

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

Interim Application No.4112 of 2024

In

Criminal Appeal No.1109 of 2024

Ranjitsingh Pappu Punjabi

Age: 26 years, Occ. Tailor

R/o. JP Symphony Building,

Building No.1/5, Room No.101,

Gaikwad Pada, Ambernath

(At present lodged in Kolhapur

Central Jail)

... Applicant

versus

1. The State of Maharashtra

(At the instance of Sr.PI

Hill Line Police Station,

Dist. Thane)

2. XYZ (Victim)

Age: 38 years,

R/at: Barrack No.2075,

Opposite Room No.8,

On Plot, Near Old

Post Office, Ulhasnagar-5

... Respondents

Ms Saili Dhuru, for the applicant.

Dr Ashwini A Takalkar, APP, for respondent No.1/ State.

Mr Ganesh Bhujbal, i/b. Mr BD Shinde, for respondent No.2.

Coram: R.N. Laddha, J.
Date: 12 February 2025.

P.C.:

By the present application, the applicant, who stands convicted for offences under Sections 376(1), 363 and 366 of the Indian Penal Code ('IPC'), by the judgment dated 25 June 2024 passed by the learned Special Judge under the Protection of Children from Sexual Offences Act, 2012, Kalyan, Thane, in Atro. Special Case No.86 of 2020 (CNR No.MHTH06-0010042020), seeks suspension of sentence imposed upon him and prays for his release on bail.

2. The applicant was sentenced as follows: (i) rigorous imprisonment for ten years and fine of Rs.5,000/- (with default stipulations) for the offence punishable under Section 376(1) of the IPC, (ii) rigorous imprisonment of three years and fine of Rs.1,000/- (with default stipulations) for the offence punishable under Section 363 of the IPC, and (iii) rigorous imprisonment for seven years and fine of Rs.3,000/- for the offence punishable under Section 366 of the IPC. These sentences were directed to run concurrently.

3. Ms Saili Dhuru, the learned Counsel appearing on behalf of the applicant, highlighting the alleged deficiencies in the prosecution case, submits that the testimonies of the informant,

PW-1, and the victim, PW-2, lacks credibility and fails to inspire confidence. At the time of the incident, the applicant was 25 years old and the victim was 16 years old. Further, the key allegations do not align with the medical evidence. The learned Counsel submits that the applicant has been languishing in jail since 21 February 2020 and is willing to cooperate fully with the appeal proceedings, and prays for his release on bail pending the outcome of the appeal.

4. Dr Ashwini Takalkar, the learned Additional Public Prosecutor representing respondent No.1/ State, and Mr Ganesh Bhujbal, the learned Counsel appearing for respondent No.2/ victim, opposing the prayer for bail, refers to the seriousness of the charge on which the applicant has been convicted and argue that the evidence on record strongly supports the prosecution's case and does not warrant the grant of bail.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. In *Bhagwan Rama Shinde Gosai v. State of Gujarat*¹, the Hon'ble Supreme Court observed as follows:

“3. When a convicted person is sentenced to a fixed period of sentence and when he files an

¹ (1999) 4 SCC 421

appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances. Of course, if there is any statutory restriction against suspension of sentence it is a different matter. Similarly, when the sentence is life imprisonment the consideration for suspension of sentence could be of a different approach. But if for any reason the sentence of a limited duration cannot be suspended every endeavour should be made to dispose of the appeal on merits more so when a motion for expeditious hearing of the appeal is made in such cases. Otherwise the very valuable right of appeal would be an exercise in futility by efflux of time. When the appellate court finds that due to practical reasons such appeals cannot be disposed of expeditiously the appellate court must bestow special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. Of course, appellate courts can impose similar conditions when bail is granted.”

7. Similarly, in ***Narcotic Control Bureau v. Lakhwinder Singh***², the Hon’ble Supreme Court observed as follows:

“5.Therefore, in our view, if a case is made out for the grant of suspension of sentence and/or bail in deserving cases on merits, the Court is not powerless to grant relief of suspension of sentence and bail pending an appeal, even if an accused has not undergone

² 2025 INSC 190

half of the sentence. There cannot be a rule of thumb that a convict cannot be released on bail pending an appeal against conviction unless he has undergone half of substantive sentence.

6. In the case of fixed-term sentences, if the Courts start adopting a rigid approach, in a large number of cases, till the appeal reaches the stage of the final hearing, the accused would undergo the entire sentence. This will be a violation of the rights of the accused under Article 21 of the Constitution. Moreover, it will defeat the right of appeal.”

8. While this Court acknowledges the arguments presented by the learned APP and the learned Counsel for respondent No.2 regarding the gravity of the offence and the post-conviction stage of the proceedings, it is essential to recognise that the applicant has served a significant period of imprisonment. Furthermore, given that the appeal was filed in 2024 and is unlikely to be heard in the near future due to the pendency of the older appeals, a *prima facie* case is made out for granting the applicant the relief of suspension of sentence pending the appeal. In the light of these circumstances, and without expressing any opinion on the merits of the case, the applicant is entitled to be released on bail. Hence, the following order:

ORDER

- (i) The sentence imposed upon the applicant by the

judgment and order dated 25 June 2024 passed by the learned Special Judge under the Protection of Children from Sexual Offences Act, 2012, Kalyan, Thane, in Atro. Special Case No.86 of 2020 (CNR No.MHTH06-0010042020), stands suspended during the pendency of the appeal and the applicant shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall keep the investigating officer informed and updated about his contact number and address.

(iii) The applicant shall not enter the jurisdiction of the concerned police station where the victim resides.

9. The application stands disposed of accordingly.

(R.N. Laddha, J.)