

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 1603 OF 2025
IN
CRIMINAL APPEAL NO. 438 OF 2025

Lahu Motiram Ivalekar

.... Applicant

Versus

The State of Maharashtra & Anr.

.... Respondents

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Mr. Madan Varge, Advocate for the Applicant.

Ms. Sangeeta D. Shinde, APP, for the Respondent – State.

Mr. Abhishek Karnik, Appointed Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th MAY, 2025.

P.C. :

1. This is an application for suspension of sentence and bail.
2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for Respondent No.2.
3. The Applicant has been convicted by the learned Special Judge Mangaon, District: Raigad, for the offence punishable under Section 258(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, for committing offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer

Rigorous Imprisonment for three years and pay fine of Rs.10,000/-. The Applicant has been convicted for the offence punishable under Section 258(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, for committing offence punishable under Section 354-A of the Indian Penal Code, 1860 and sentenced to suffer Rigorous Imprisonment for two years and pay fine of Rs.10,000/-. The learned Special Judge Mangaon, District: Raigad, has suspended the sentence during the appeal period and has granted interim bail to the Applicant.

4. It is contention of learned counsel for the Applicant that the trial Court has granted bail and suspended his sentence during the appeal period. During the trial, the Applicant was on bail and has not misused liberty. Hence, requested to allow the application.

5. The learned APP for the Respondent – State strongly objected to allow the application.

6. I have heard both learned counsel.

7. The sentence imposed on the Applicant is maximum three years sentence. The trial Court has granted bail to the Applicant and suspended his sentence during the appeal period. During the trial, the Applicant was on bail and has not misused liberty. It may take time to dispose of the appeal.

8. In view of the above, the Applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the appeal, on the following terms and conditions.

ORDER

- i. The substantive sentence imposed on the Applicant in Sessions Case No.41/2020, in terms of order dated 28th April, 2023 passed by the learned Special Judge Mangaon, District: Raigad, till final disposal of the appeal.
- ii. The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- iii. The bail bond to be furnished before the trial Court.
- . Criminal Interim Application stands disposed of.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)