



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

CRIMINAL APPLICATION (APPA) NO.135 OF 2025
IN
CRIMINAL APPEAL NO.73 OF 2025

Akshay Nareshrao Chafle

Vs.

State of Maharashtra, through Police Station, Kharangana, District Wardha
and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. I. Dhattrak, Counsel for the appellant.

Ms. Ritu Sharma, APP for the respondent No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 07/02/2025

1. By this application, the appellant is seeking suspension of sentence and releasing him on bail.

2. The appellant was prosecuted for the offences punishable under Sections 354, 354(B), 376 read with Section 511 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act.

3. As per the prosecution story, the victim who was studying in 10th standard asked for the lift to the present appellant, as they were acquainted with each other and residents of the same village. Though the appellant has allowed her to travel along with him, but he took her in a forest undressed her and

attempted to commit forcible sexual assault on her. As far as the act of the present appellant is concerned, it is to the extent that he has undressed himself as well as undressed her, but she eloped from the place and saved herself, and therefore, the further act was not taken place.

4. Learned Counsel for the appellant submitted that as far as the allegation of the victim is concerned, the appellant is implicated due to the previous dispute between the two families. Her evidence is not corroborated by the other evidence. He has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, the appeal would become infructuous.

5. Learned APP strongly opposed the said application and submitted that some external injuries in the nature of the abrasions are found on the person of the victim. There was an attempt to commit a forceful sexual assault on the minor girl. Considering the gravity of the offence, the application deserves to be rejected.

6. After hearing both the sides and on perusal of the evidence on record, it reveals that the victim travelled along with the present applicant, thereafter by misleading her, the appellant has taken in a forest area and undressed himself as well as undressed her

but she eloped and therefore, the further act was not taken place. The deposition of the victim is supporting the prosecution case. Learned Counsel for the appellant has pointed out from the depositions of the witnesses, wherein it reveals that there was a previous enmity between the two families. He submitted that considering the evidence, the possibility of false implication cannot be ruled out. The appellant has every chance of success in the present appeal and therefore, the sentence be suspended.

7. Learned APP has already pointed out that there are external injuries on the person of the victim. Considering the nature of the evidence and the impugned judgment from which the appellant has pointed that he has many arguable points in the present appeal. Admittedly, the appeal would take its own time for its final disposal and in the meantime if the sentence is executed, the appeal would become infructuous. Throughout the trial, the appellant was on bail. Considering all these aspects, the application deserves to be allowed. Accordingly I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence imposed in Special Case No.21/2024 is hereby suspended till disposal of the appeal.

(iii) The appellant shall be released on bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

The application is disposed of.

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1. Heard.
2. **Admit.**
3. Learned APP waives notice for the State.
4. Call for record and proceedings.
5. Appeal be listed for final disposal after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)