



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

CRIMINAL APPLICATION (APPA) NO. 149 OF 2025 IN
CRIMINAL APPEAL STAMP NO. 1284 OF 2025

Harilal S/O Sadhu Nagpure(In Jail) Vs State Of Maharashtra

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

Court's or Judge's Order

Mr. R.P.Durge, counsel for applicant/appellant.

Mr. V.A.Thakre, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/02/2025.

1. By this application, the appellant is seeking suspension of sentence and releasing the appellant on bail.
2. Heard learned counsel for the appellant, who submitted that appellant is convicted for the offence punishable under Section 354 of the Indian Penal Code, 1860, and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. The appellant is convicted of the offence punishable under Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012, and sentenced to suffer simple imprisonment for three years and fine of Rs. 1,000/-, in default of a fine, simple imprisonment for six months. He submitted that punishment is of a limited period and the appeal would take its own time for its final disposal. In the meantime, the sentence is executed, the appeal would become

infructuous. From the impugned judgment also, he has pointed out that he has many arguable points in the present appeal. Considering the same, he prays for suspension of sentence and releasing the appellant on bail.

4. Learned APP strongly opposed the said application and submitted that re-appreciation of the evidence is not permissible at this stage. The appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

5. After hearing both sides and perusing the impugned judgment, from which the learned counsel for the appellant has pointed out that he has many arguable points in the appeal. Moreover, the punishment imposed is of a limited period, the appeal would take its own time for its final disposal. Considering all these aspects, the application deserves to be allowed.

- a] The criminal application is **allowed**.
- b] The execution of the sentence passed in Special Case No. 10/2019 passed by the Sessions Judge, Gondia, is hereby suspended till disposal of the appeal.
- c] The applicant shall be released on bail on executing PR. Bond of Rs. 25,000/- with one solvent surety of the like amount.

6. The criminal application (APPA)
No. 149/2025 is disposed of.

CRIMINAL APPEAL STAMP NO. 1284 OF 2025

1. Heard.
2. **Admit**
3. Mr. V.A. Thakre, learned APP waives service of
notice on behalf of respondent/State.
4. The appeal be listed for final disposal after
preparation of paper-book.

[URMILA JOSHI-PHALKE, J.]