



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.238 OF 2025

IN

CRIMINAL APPEAL NO.231 OF 2024

(Roshan s/o Virsingh Sayam 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. P.P. Salunke, Advocate for the appellant.
Mr. M.K. Pathan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 28, 2025.

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

2. The appellant was charge-sheeted of the offence punishable under Section 452, 354, 354-B of the IPC and under Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. After appreciation of the evidence, the appellant is held guilty of the offence punishable under Section 452 of IPC and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.3000/- in default of fine rigorous imprisonment for three months. For the offence punishable under Section 354 of IPC rigorous imprisonment for two years and to pay fine of Rs.3000/- in default of payment of fine to suffer simple imprisonment for three months.

3. Learned Counsel for the appellant submitted from the impugned judgment that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, he be released on bail and the execution of sentenced be suspended.

4. *Per contra*, Learned APP strongly opposed the application on the ground that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties and perused the impugned judgment from which learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. Moreover punishment imposed is of a limited period. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 06/02/2024 passed by the Additional Session Judge-11, Nagpur in Special Case No.452/2022 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Roshan s/o Virsingh Sayam be released on bail on executing P.R. Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) with one surety, in the like amount.

6. The application stands disposed of.

CRIMINAL APPEAL NO.231 OF 2024

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)