



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

Criminal Application (APPA) No. 374 of 2025

in

Criminal Appeal No.593 of 2024

Premlal S/o Ramchandra Kalambe

Versus

**State of Maharashtra through Police Station Officer, Narkhed, Dist.
Nagpur**

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

Court's or Judge's Order

Shri K.G.Rathi, Advocate for the appellant.

Shri S.S.Hulke, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 1st OCTOBER, 2025.

The present application is filed by the applicant under Section 389 of the *Code of Criminal Procedure* and Section 430 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, seeking suspension of sentence and grant of bail, pending final disposal of the criminal appeal.

2. The applicant has preferred an appeal challenging the judgment and order of conviction passed by the learned Additional Sessions Judge-13 and Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, Nagpur in Special (Atrocity) Case No. 21 of 2021, whereby the applicant has been convicted for the following offences:

Under Section 4 of the *Protection of Children from Sexual Offences Act, 2012* and sentenced to undergo rigorous imprisonment for a period of 20 years and to pay a fine of ₹10,000/-, and in default of payment, to undergo simple imprisonment for two months;

Under Section 8 of the *Protection of Children from Sexual Offences Act, 2012* and sentenced to undergo rigorous imprisonment for a period of 3 years and to pay a fine of ₹5,000/-, and in default, to undergo simple imprisonment for two months;

Under Section 452 of the *Indian Penal Code* and sentenced to undergo rigorous imprisonment for a period of 3 years and to pay a fine of ₹5,000/-, and in default, to undergo simple imprisonment for two months.

3. Learned counsel for the applicant submits that the victim and her family members have no objection to the grant of bail to the applicant. An affidavit dated 18.08.2025 to that effect has been filed by Shri Aditya Pande, learned counsel appearing on behalf of the victim, wherein paragraphs 4 and 5 read as under:

“4. It is submitted that, the respondent No.2 herein, at the time of the incident, was aged about 15 years and is now a major. The victim, after attaining majority, is now married and living a happy and peaceful life with her matrimonial family. The family members of the victim and the applicant continue to reside in the same vicinity. The respondent No.2 is well acquainted with the applicant’s parents, who are elderly and suffering from several health issues. The applicant is the only person in the family capable of taking care of his aged parents. However, as the applicant is currently incarcerated, there is no one to look after them.

5. It is submitted that, considering the condition of the applicant’s parents, the respondent No.2, after consultation with her parents and family members and upon thoughtful consideration, states that she has no objection to the grant of bail to the applicant. The respondent No.2 further affirms that she is not under any coercion or influence, and is submitting her no-objection voluntarily, out of concern for the condition of the applicant’s parents.”

4. Learned Additional Public Prosecutor strongly opposes the application and submits that the nature of the offence is serious and the no-objection affidavit filed by the victim cannot be the sole basis for suspension of sentence, particularly in cases of this nature.

5. Having considered the submissions of both sides, the contents of the affidavit filed by the victim, and the overall circumstances including the condition of the applicant’s parents and the fact that the appeal is not likely to be heard in the immediate future, this Court is

of the view that a case is made out for suspension of sentence.

6. Accordingly, the application is allowed. The substantive sentence imposed upon the applicant by the learned Additional Sessions Judge-13 and Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Nagpur in Special (Atrocity) Case No. 21 of 2021 for the offences punishable under Sections 4 and 8 of the *Protection of Children from Sexual Offences Act, 2012* and Section 452 of the *Indian Penal Code* is hereby suspended until final disposal of the appeal.

i) The applicant shall be released on bail upon furnishing a Personal Recognizance Bond in the sum of ₹15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount to the satisfaction of the Trial Court.

ii) The applicant shall report to Narkhed Police Station on the first Wednesday of every month and shall also furnish his current residential address and mobile number to the concerned Sessions Court.

iii) It is clarified that the learned Additional Public Prosecutor or the Investigating Officer shall be at liberty to seek cancellation of bail in the event of breach of any

of the aforesaid conditions or for any other sufficient reason.

The criminal application stands disposed of accordingly.

[NIVEDITA P. MEHTA, J.]