



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

CRIMINAL APPLICATION (APPA) NO.364 OF 2025
IN
CRIMINAL APPEAL NO.197 OF 2025

Nitin Raju Pasarkar

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Pulgaon 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. Salman Ali, Counsel h/f Mr. M. N. Ali, Counsel for the applicant.
Ms. Swati Kolhe, APP for respondent No.1/State.
Mr. Najeeb Shaikh, appointed Counsel for the respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/05/2025

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

2. The appellant was held guilty for the offence punishable under Sections 452, 354-A(1)(i) (ii) of the Indian Penal Code and under Section 12 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for four years and fine of Rs.2,000/- for the offence punishable under Section 452 of the Indian Penal Code, in default of payment of fine, to suffer rigorous imprisonment for a period of six months and rigorous imprisonment for three years and fine of Rs.2,000/-,

in default of payment of fine to suffer rigorous imprisonment for six months for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act.

3. Heard learned Counsel for the applicant, who submitted that the punishment imposed is of a limited period. Moreover, he has pointed out that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed, then the appeal would become infructuous.

4. Learned APP and learned appointed Counsel for the respondent No.2 - victim strongly opposed for the same.

5. Heard both sides. Perused the impugned judgment as well as the depositions from which learned Counsel for the appellant has pointed out that he has many arguable points. However, punishment is of a limited period. Considering the same, application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of sentence is hereby suspended till disposal of the appeal.

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

The application is disposed of.

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- (i) Heard.
- (ii) **Admit.**
- (iii) Learned APP waives notice for the State.
- (iv) Call for record and proceedings.
- (v) Appeal be listed after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)