



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

CRIMINAL APPLICATION NO.378 OF 2025

IN

CRIMINAL APPEAL NO.210 OF 2025

(Sunil s/o Dattuji Gaikwad Vs. State of Maharashtra and anr.)

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

Court's or Judge's Order

Ms J.S. Kurve, Advocate for the appellant.
Ms S.S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 22, 2025.

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

2. The appellant was prosecuted of the offence punishable under Section 354 of IPC and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. After recording of the evidence, the appellant was convicted of the offence punishable under Section 354 of the IPC and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.3000/- in default to suffer simple imprisonment for one month. He is further convicted of the offence punishable under Section 8 of the POCSO Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.3000/- in default to suffer simple imprisonment for one month.

4. Learned Counsel for the appellant submitted that the appellant has already deposited the fine amount. She further submitted that she has many arguable points in the present appeal. The punishment 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, prayed for suspending the sentence of the appellant and releasing him on bail.

5. Learned APP strongly opposed the application and submitted that the application itself is devoid of merits and liable to be rejected.

6. 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 she has many arguable points. Moreover, the punishment imposed is of a limited period. The appeal would take its own time for its final disposal. In the meanwhile if sentence is executed the appeal would become infructuous. 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 16/12/2024 passed by the Additional Sessions Judge-9, Nagpur in

Special POCSO Case No.515/2023 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Sunil s/o Dattuji Gaikwad 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.

7. The application stands disposed of.

CRIMINAL APPEAL NO.210 OF 2025

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 for final disposal.

(URMILA JOSHI-PHALKE, J.)