



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

CRIMINAL APPLICATION (APPA) NO. 584 OF 2025

IN

CRIMINAL APPEAL NO. 330 OF 2025

(Sagar Bharat Paikrao ..vs.. State of Maharashtra, through PSO, PS MIDC, Akola 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. A.S. Londhe, Counsel for the applicant/appellant (through VC),
Ms. Sonia, Addl.P.P. for respondent No.1 /State,
Ms. Radha Mishra, Counsel (appointed) for respondent No. 2.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 01-12-2025

For the reasons stated in the application, the application is allowed and disposed of accordingly.

Criminal Application (APPA) No.583 of 2025

The present application for dispensing with the relative's affidavit is allowed and disposed of accordingly.

Criminal Application (APPA) no. 768 of 2025

The present applicant/appellant has preferred this appeal challenging the judgment and order dated 17.10.2022 passed by the learned Special Judge, POCSO Act, Akola, in Special (POCSO) Case No. 13/2018, whereby the applicant was convicted for offences punishable under Sections 354-D, 323, 506(II) of the Indian Penal Code and Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012. The applicant was sentenced to undergo rigorous imprisonment for seven years and to pay a fine of ₹5,000/-, and

in default of payment of fine, to undergo simple imprisonment for one month for the offence under Section 506(II) IPC.

2. Learned Counsel for the applicant submits that the applicant was on bail during the trial and had not misused the liberty granted by the trial Court. It is further submitted that a perusal of the evidence of the victim as well as the informant reveals certain variances, which, according to the applicant, entitles him to a fair opportunity on appeal. Counsel further contends that as the appeal may not be heard for some time, and considering the relatively short duration of the sentence imposed, the present application for suspension of sentence during the pendency of the appeal deserves consideration.

3. Learned Additional Public Prosecutor opposes the application, contending that suspension of sentence may afford the applicant an opportunity to misuse liberty. It is submitted that the trial Court has rightly appreciated the cogent evidence led by the prosecution and has correctly convicted the applicant for the offences as charged.

4. Having considered the rival submissions, the short term of the sentence imposed, the fact that the applicant was on bail during trial without any reported misuse of liberty, and the likelihood of delay in final disposal of the appeal, this Court is of the view that the present case warrants suspension of sentence during the pendency of the appeal.

5. Accordingly, the sentence imposed on the applicant is suspended during the pendency of the appeal, on the applicant furnishing a solvent surety in the sum of ₹25,000/- (Rupees Twenty-Five Thousand Only) and executing a Personal Recognizance Bond in the like amount. The applicant shall report before the trial Court on the fifth day of every month until the disposal of the appeal. The applicant shall also furnish his current address proof and mobile number to the Investigating Officer.

6. The application is disposed of accordingly.

CRIMINAL APPEAL NO. 330 OF 2025

Head.

2. **Admit.**

3. Call record and proceedings.

4. Ms. Sonia Thakur, learned Additional Public Prosecutor waives service of notice on behalf of the respondent/State. Ms. Radha Mishra, learned Counsel waives service of notice on behalf of respondent No. 2.

5. List the appeal for final hearing on 12-01-2026.

(NIVEDITA P. MEHTA, J.)