



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

CRIMINAL APPLICATION NO.758 OF 2024

IN

CRIMINAL APPEAL NO.430 OF 2024

(Pravin @ Ganesh Pralhad Khillare 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. M.P. Kariya, Advocate for the appellant.
Mrs. S.V. Kolhe, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 2, 2025

Heard.

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

3. Learned Counsel for the appellant submitted that the appellant was prosecuted of the offence punishable under Sections 452, 354-A, 354-D and 506 of the Indian Penal Code and Sections 8, 11(1)(iv) and 12 of the Protection of Children from Sexual Offences Act, 2012.

4. As per the prosecution case, the victim who is resident of Jambhrun, Tahsil and District Buldhana residing along with his mother and two sisters. She was studying in 9th standard at the relevant time. The appellant was residing adjoining to her house. On the day of incident i.e. on 13/03/2019 during night hours when she was sleeping in the house along with other family members, the appellant entered in her house and

physically contacted her and outraged her modesty. On the basis of the said report, police have registered the crime against the present appellant. During the trial, the evidence was adduced before the Additional Sessions Judge, Buldhana. The Additional Sessions Judge, Buldhana held the accused guilty for the offence punishable under Section 452 and sentenced to suffer rigorous imprisonment for 5 years and fine of Rs.2000/- in default to suffer Simple Imprisonment for three months. The appellant is also convicted of the offence punishable under Section 8 of the POCSO Act and sentenced to suffer rigorous imprisonment for 4 years and to pay fine of Rs.2000/- in default to suffer Simple Imprisonment for three months.

5. Learned Counsel for the appellant submitted that the punishment imposed is of a limited period. From the impugned judgment he 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 the purpose of preferring the appeal would frustrate. In fact, the sentenced imposed by holding the appellant guilty for the offence punishable under Section 8 of the POCSO Act itself is erroneous. In view of that, he be released on bail and the execution of sentenced be suspended.

6. Learned APP strongly opposed the application on the ground that a minor girl was subjected for the

sexual harassment by the appellant who is a married person and if he is released on bail by suspending the sentence there is every likelihood of pressurizing the victim. In view of that, the application deserves to be rejected.

7. I have heard learned Counsel for both the parties and perused the order passed by the Additional Sessions Judge, Buldhana from which learned Counsel for the appellant 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 the purpose of preferring the appeal would frustrate. 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 07/06/2024 passed by the Additional Sessions Judge, Buldhana in Special Case No.18/2019 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Pravin @ Ganesh Pralhad Khillare be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) with one surety, in the like amount.

(iv) The appellant shall attend the Court of Additional Sessions Judge, Buldhana once in a month i.e. 5th day of every month and Additional Sessions Judge, Buldhana shall record his presence before it.

8. The application stands disposed of.

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The R. & P. is already received.

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

(URMILA JOSHI-PHALKE, J.)

**Divya*