



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

CRIMINAL APPLICATION NO.1124 OF 2023

IN

CRIMINAL APPEAL NO.691 OF 2023

(Shivkumar @ Shiva Nilkanth Bondre 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

Mr. Ajay Londhe, Advocate for the appellant.
Mr. A. Ghongre, APP for the State.
Mr. R. Mulaokar, Advocate (appointed) for respondent No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 28, 2025.

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

2. Learned Counsel for the appellant submitted that the appellant has already undergone 4 years of punishment. He is convicted of the offence punishable under Section 363, 366-A of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012. 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 view of that, he be released on bail and the execution of sentenced be suspended.

3. *Per contra*, Learned APP and learned Counsel for respondent No.2 strongly opposed the application on

the ground that the appellant who is unknown to the victim kidnapped her from the lawful guardianship of her parents and molested her. The victim is only 12 years of age. The evidence of the victim and the other witnesses supported the prosecution case and learned trial Court has rightly appreciated the evidence. Hence, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties and perused the impugned judgment and the evidence of the victim from which it reveals that the victim is 12 years old, subjected for the molestation by the present appellant. The evidence of the victim clearly discloses the involvement of the present appellant. He is identified during the identification parade. Thus, considering the entire evidence on record, no case is made out for suspension of sentence.

5. Hence, the application is rejected.

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Heard.

2. The appeal is already admitted and R. & P. is already received.

3. Place the appeal for final disposal on 05/03/2025.

(URMILA JOSHI-PHALKE, J.)