



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

Criminal Application [APPA] No.904 of 2025

in

Criminal Appeal No.538 of 2025

Ashish Naresh Mule

vs.

State of Maharashtra, through Police Station Pulgaon, Tah. & Dist. Wardha

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. K.G. Rathi, Advocate for the Applicant/Appellant.

Mr. S.S. Hulke, A.P.P. for the Non-applicant/State.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 12th DECEMBER, 2025.

Heard.

2. The present application is preferred by the applicant seeking suspension of sentence and grant of bail pending the appeal under Section 430 of the Bhartiya Nagarik Suraksha Sanhita, 2023.

3. Issue notice to the non-applicants.

4. Mr. S. S. Hulke, learned A.P.P., waives service of notice on behalf of the non-applicant/State.

5. Insofar as non-applicant No.2 is concerned, it is the contention of the learned counsel for the applicant that, the punishment prescribed being three years, issuance of notice to the victim is not required in offences where the sentence prescribed is below ten years.

6. It is further submitted that the trial Court failed to correctly appreciate the prosecution evidence and did not properly evaluate the

testimony of non-applicant No.2. According to the learned counsel, the ingredients of Sections 8 and 12 of the POCSO Act are not attracted in view of the allegations made by the victim and the evidence led by the prosecution. He submits that the applicant has an arguable case on merits, and since the sentence is of short duration and the applicant was on bail throughout the trial, he is entitled to suspension of sentence.

7. Per contra, the learned Additional Public Prosecutor submits that the testimony of the victim, as recorded before the trial Court, is trustworthy and inspires confidence, and that the trial Court has rightly appreciated the cogent and reliable evidence brought on record, resulting in the conviction of the applicant under Section 8 read with Section 12 of the POCSO Act. It is further submitted that if the sentence is suspended, there exists a likelihood of the applicant misusing the liberty.

8. Upon considering the rival submissions and taking into account that the sentence imposed is of short duration and the appeal is likely to take time for final hearing, this Court is of the considered view that the applicant has made out a case for suspension of sentence pending the appeal. Hence, the following order is passed:

ORDER

- i. The application is allowed.
- ii. The substantive sentence imposed upon the applicant by the learned Additional Sessions Judge, Wardha in Spl. (POCSO) Case No. 37/2023 is hereby suspended pending final disposal of the appeal.
- iii. The applicant shall be released on bail on his executing a P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen

Thousand only) with one solvent surety in the like amount, to the satisfaction of the trial Court.

- iv. The applicant shall report before the trial Court on the first day of every calendar month until further orders.

**sandesh*

JUDGE