



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

CRIMINAL APPLICATION NO.1198 OF 2024

IN

CRIMINAL APPEAL NO.707 OF 2024

(Satish Janardhan Hiwale and ors. 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. C.N. Wankhade, Advocate for the appellants.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 16, 2025.

By this application, the appellants are seeking suspension of sentence and releasing them on bail.

2. The appellants were prosecuted of the offence punishable under Sections 354, 452, 323, 324 read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. The Special Court after considering the evidence held the applicants guilty of the offence punishable under Section 354 of IPC and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.3000/- in default to suffer Simple Imprisonment for three months. He is further convicted of the offence punishable under Sections 8 and 12 of the POCSO Act but no separate punishment was awarded. The applicant is further held guilty of the offence punishable under Section 452 of IPC and to suffer R.I. for four years and to pay fine

of Rs.2000/- and of the offence punishable under Section 323 and sentenced to suffer S.I. for one month and to pay fine of Rs.1000/- and of the offence punishable under Section 324 of the IPC and to suffer R.I. for three years and to pay fine of Rs.2000/-. The fine amount is already paid.

4. Learned Counsel for the appellants submitted that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. Moreover, the punishment imposed is of a limited period, if sentence is executed then the appeal will become infructuous. In view of that, he prays for suspension of sentence and releasing the appellants on bail.

5. Learned Additional Public Prosecutor strongly opposed the application on the ground that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

6. Though victim is served, none appears.

7. I have heard learned Counsel for both the parties and perused the impugned judgement from which the learned Counsel for the appellants has pointed out that he has many arguable points in the present appeal and there are every chance of success. However, the appeal would take its own time for its final decision. Moreover, the punishment imposed is for a limited period. 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 22/11/2024 passed by the Judge, Special Judge, Buldhana in Special Case No.25/2021 is hereby suspended till final disposal of the appeal.

(iii) The appellants – 1) Satish Janardhan Hiwale, 2) Sau. Sunita Satish Hiwale, 3) Kundan Janardan Hiwale and 4) Navin Janardan Hiwale, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) each with one surety each, in the like amount.

8. The application stands disposed of.

CRIMINAL APPEAL NO.707 OF 2024

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.

(URMILA JOSHI-PHALKE, J.)