



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

Criminal Application (APPA) No. 935 of 2025
in
Criminal Appeal No. 553 of 2025

Prashant Vishwanath Kale

Versus

The State of Maharashtra through Police Station Officer, Police Station
Chikhli, Tah. Chikhli, Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.R.Raut, Advocate for the appellant.

CORAM : NIVEDITA P. MEHTA, J.
DATED : 13th NOVEMBER, 2025.

Heard.

2. **ADMIT.**

3. Shri Amit Chutke, learned Addl. Public
Prosecutor waives service of notice on behalf of the
respondent no.1/State.

4. Issue notice to the respondent no.2.

5. Call record and proceedings.

6. Registry is directed to prepare the paper
book.

Criminal Application No. 935 Criminal Appeal No.
553 of 2025

The present application is filed by the
applicant under Section 430 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 seeking suspension of sentence and grant of bail, pending final disposal of the criminal appeal.

2. The applicant has preferred Criminal Appeal challenging the judgment and order dated 15.10.2025, passed by the learned Special Court, Buldhana in Special Case No. 79 of 2021, whereby the applicant has been convicted for the offence punishable under Section 8 of Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment of three years and to pay a fine of ₹2000/-, in default whereof, to suffer rigorous imprisonment for one month. He has been further convicted for the offence punishable under Section 12 of Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment of one year and to pay a fine of ₹1000/-, in default whereof, to suffer rigorous imprisonment for one month. He has been further convicted for the offence punishable under Section 506 of the Indian Penal Code, and sentenced to suffer rigorous imprisonment of one year and to pay a fine of ₹1000/-, in default whereof, to undergo rigorous imprisonment for a period of one month.

4. Learned counsel for the applicant submits that the learned Special Court had suspended the

sentence of the applicant till 2nd December, 2025, subject to deposit of the fine amount. It is submitted that the applicant has deposited the fine amount in compliance with the said condition and was accordingly released on bail. Learned counsel further submits that the order of suspension of sentence granted by the trial court is still in force and has not yet expired. However, the present application for suspension of sentence pending appeal has been preferred to secure continuation of the suspension of sentence beyond 2nd December, 2025. It is further submitted that the applicant was on bail throughout the trial and there is no allegation of misuse of liberty during that period. Learned counsel contends that the sentence imposed is of short duration, and the applicant has a fair chance of succeeding in the appeal, which is not likely to be heard in the near future.

5. Per contra, learned Additional Public Prosecutor has opposed the application, contending that the offence is of a serious nature, and there exists a real possibility of the applicant influencing or threatening prosecution witnesses, if released on bail.

6. Upon considering the rival submissions, the nature and gravity of the offence, the sentence imposed, and the fact that the applicant was on bail during the

trial and did not misuse the liberty so granted, and further taking into account that the appeal is not likely to be heard in the near future, this Court is of the considered view that the applicant has made out a case for suspension of sentence pending appeal. Accordingly, the application is allowed.

7. The substantive sentence imposed upon the applicants by the learned Judge, Special Court, Buldhana in Special Case No. 79 of 2021, is hereby suspended pending final disposal of the appeal.

The applicants shall be released on bail on the following conditions:

i) The applicant shall execute a Personal Recognizance Bond in the sum of ₹15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount, to the satisfaction of the Trial Court.

ii) The applicant shall report before the Trial Court on the 1st day every calendar month until further orders.

iii) The applicant shall furnish his current residential address and mobile number to the concerned Sessions Court and shall inform the Court of any change in address or contact details forthwith.

iv) It is clarified that the learned Additional Public Prosecutor and/or the Investigating Officer shall

be at liberty to move for cancellation of bail in the event of breach of any of the aforementioned conditions or for any other sufficient cause.

The criminal application stands disposed of accordingly.

[NIVEDITA P. MEHTA, J.]