



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

Criminal Appeal No.613 of 2025

Bharat s/o Ramdas Meshram

vs.

*State of Maharashtra, Through P.S.O., P.S. Sindewahi, Dist. Chandrapur and
another*

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

Court's or Judge's Orders

Ms. N.P. Dhoke, Advocate for the Appellant.

Mr. S.S. Hulke, A.P.P. for Respondent No.1.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 23rd DECEMBER, 2025.

Heard.

2. **Admit.**

3. The learned A.P.P. waives service of notice on behalf of respondent No.1/State.

4. Call for the record and proceedings.

5. Registry is directed to prepare the paper-book.

Criminal Application [APPA] No.1016/2025:

The applicant has preferred the present application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking suspension of sentence and grant of bail pending disposal of the criminal appeal.

2. Issue notice to the non-applicants.

3. Learned Additional Public Prosecutor waives service of notice on behalf of the non-applicant/State.

4. As regards non-applicant No.2, learned Counsel for the applicant submits that since the sentence imposed is of three years' imprisonment,

issuance of notice to the victim is not mandatory inasmuch as the prescribed punishment is below ten years. It is further submitted that the learned Trial Court failed to properly appreciate the cogent evidence led by the prosecution and ignored material aspects of the testimony of non-applicant No.2. According to learned Counsel, the applicant has an arguable case on merits and, considering the short duration of sentence, is entitled to suspension of sentence, particularly when he was on bail throughout the trial and did not misuse the liberty so granted.

5. Per contra, learned Additional Public Prosecutor opposes the application, submitting that if the sentence is suspended, there is every likelihood that the applicant may misuse the liberty. It is further submitted that the learned Trial Court, upon due appreciation of the evidence of the prosecution witnesses, has rightly convicted the applicant and sentenced him to undergo three years' rigorous imprisonment for the offence punishable under Section 8 of the POCSO Act.

6. Upon consideration of the rival submissions, and having regard to the fact that the sentence imposed is of short duration and that the appeal is not likely to be heard and decided in the near future, this Court is of the considered view that the applicant has made out a case for suspension of sentence and grant of bail pending disposal of 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 Judge, Special Court under POCSO Act and ASJ, Chandrapur in Special (POCSO) Case No.134/2023 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.10,000/- (Rupees Ten 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 Monday of every calendar month initially for two months.
- v. The applicant shall furnish his Mobile Number(s) as well as his current residential address to the concerned Sessions Court and shall inform the Court of any change in address or contact details forthwith.
- vi. It is clarified that the learned A.P.P. 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.
- vii. The application stands disposed of accordingly.

JUDGE

*sandesh