



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

CRIMINAL APPLICATION (APPA) NO. 29 OF 2025
IN
CRIMINAL APPEAL NO. 24 OF 2025

Niklesh Diwakar Nidhekar

Vs

Through Police Station Officer, Police Station, Deoli

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

Court's or Judge's Order

Mr. A.S. Shukla, counsel for applicant/appellant.

Mr. V.A.Thakre, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/01/2025.

1. By this application, the appellant is seeking suspension of sentence and releasing him on bail.
2. Heard learned counsel for the appellant, who submitted that the appellant was prosecuted for the offence punishable under Section 354A(1)(i) of the Indian Penal Code, 1860 and Sections 8, 9(m), 10 of the Protection of Children from Sexual Offences Act. He further submitted that the appellant has every chance of success in the present appeal, as there are many arguable points in the appeal. Moreover, the punishment imposed is of limited period. If the sentence is executed, the preferring of the appeal would be infructuous. In view of that, he be released on bail by suspending the sentence.

3. Learned APP strongly opposed the said application on the ground that the eight year old girl was subjected for the sexual harassment. In view of that, the application deserves to be rejected.

4. After hearing learned counsel for the appellant and learned APP for the State, perused the impugned judgment as well as the evidence on record, from which learned counsel for the appellant has pointed out that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period, and the appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, the appeal would become infructuous. In view of that, the appeal deserves to be allowed. Accordingly, I proceed to pass the following order.

- a. Application is **allowed**.
- b. The execution of the sentence passed in Special POSCO Case No. 03/2021 is hereby suspended till disposal of the appeal.
- c. The appellant shall be released on bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

5. The criminal application (APPA) No. 29 of 2025 is **disposed of**.

CRIMINAL APPEAL NO. 24 OF 2025

1. Heard.

2. **Admit.**
3. Call Record and Proceedings.
4. Mr. V.A. Thakre, learned APP waives service of notice on behalf of respondent/State.
5. Appeal be listed before this court after preparation of paper-book.

[URMILA JOSHI-PHALKE, J.]