



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

CRIMINAL APPLICATION (APPA) NO. 1262/2024

IN

CRIMINAL APPEAL NO. 758/2024

**Aasif Shaikh S/o Babbu Shaikh Vs. The State of Maharashtra, Through
Police Station Officer, Police Station Bela and another**

WITH

CRIMINAL APPEAL Nos. 42/2024, 229/2024, 797/2023

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.L. Kadu, Advocate for Applicant / Appellant
Mr. S.S. Hulke, APP for Respondent No.1
Mr. N.P. Singhania, Adv. for Respondent No.2

CORAM: NIVEDITA P. MEHTA, J.

DATED : 7th OCTOBER, 2025

1. Heard.
2. By this application, the applicant is seeking suspension of sentence in Special Case No. 243/2016, passed by the learned Sessions Judge, Nagpur, thereby convicted the applicant / accused along with other co-accused for offences punishable under Sections 366-A and 506 of the Indian Penal Code, 1860 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. It is contended by the learned counsel for the applicant that there is no allegations against the present applicant in the FIR. The FIR came to be lodged against the main accused namely Anil alias Anna Hansraj Neware. He further submits that the

application for suspension of sentence of other co-accused has been granted by the Co-ordinate Bench of this Court.

4. Per contra, Mr. Hulke, learned Additional Public Prosecutor for respondent-State and Mr. Singhaniya, learned counsel for the respondent No.2 submits that the impugned judgment and order passed by the Special Court, Nagpur is based on the proper appreciation of evidence led by the prosecution and therefore, has sought rejection of the application filed by the applicant.

5. Having gone through the impugned judgment and order dated 01.09.2023 as well as FIR, there are no allegations against the present applicant. The Co-ordinate Bench of this Court have suspended sentence of co-accused namely Yogesh Narad, Akash Dilip Wagahde and the main accused Anil @ Anna Hansraj Neware. Hence, I proceed to pass following order.

ORDER

- I. The Criminal Application is allowed.
- II. Execution of sentence is suspended till final disposal of the appeal.
- III. The applicant is released on bail in the sum of Rs.15,000/- with one surety in like amount.

IV. The applicant shall attend the concerned trial Court on first day of every month and the trial Court shall record his presence.

V. The applicant shall furnish his mobile phone number and address along with address proof to the trial Court.

The Criminal Application stands disposed of accordingly.

Mr. N.P. Singhaniya, learned counsel to appear for the respondent No.2 – victim in all other connected appeals.

(NIVEDITA P. MEHTA, J.)