



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

**CRIMINAL APPLICATION NO.384 OF 2025 IN
CRIMINAL APPEAL NO.213 OF 2025**

(Aaryan @ Vaibhav Raju Aawari 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. R.A. Biranware, Advocate for the appellant.
Mr. V.A. Thakare, APP for the State.

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

By this application, the appellant is seeking suspension of sentence and releasing him on bail.

2. The appellant is convicted of the offence punishable under Section 354-B of the Indian Penal Code sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5000/- in default to suffer rigorous imprisonment for six months. He is further convicted of the offence punishable under Section 354-C and 506 of IPC and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1000/- and rigorous imprisonment for two years and to pay fine of Rs.3000/- in default rigorous imprisonment for two months and three months respectively. He is further convicted of the offence punishable under Section 66-E of the Information Technology Act, 2000 and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.10,000/- in default to suffer rigorous imprisonment for six months.

3. Learned Counsel for the applicant invited my attention towards the impugned judgment and the evidence and 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. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, he be released on bail and the execution of sentenced be suspended.

4. Learned APP strongly opposed the application on the ground that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties and perused the entire record from which it reveals that the punishment imposed is of a limited period. Moreover, the appellant has every chance of success in the present appeal and he has pointed out that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. 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 04/03/2025 passed by the Extra Joint District Judge and Additional Sessions Judge (Special Judge, POCSO Court), Nagpur

in Special Cri. (Child) Case No.659/2021 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Aaryan @ Vaibhav Raju Aawari be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) with one surety, in the like amount.

6. The application stands disposed of.

CRIMINAL APPEAL NO.213 OF 2025

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Leave is granted to the appellant to add the victim as a party.

5. On adding victim as a party the notice be issued to the victim.

6. Call for R. & P.

7. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)