

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

**CRIMINAL APPLICATION (APPA) NO. 830/2025**

**IN**

**CRIMINAL APPEAL NO. 490/2025**

**Nilesh S/o Ramesh Chimantrawar Vs. State of Maharashtra, Through  
Police Station Officer, Police Station Ambazari, Nagpur**

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| 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. Khapekar, Advocate for Appellant / Applicant  
Mr. A.R. Chutke, APP for Respondent

**CORAM: NIVEDITA P. MEHTA, J.**

**DATED : 3<sup>rd</sup> OCTOBER, 2025**

1. The applicant has preferred the present application under Section 464 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (corresponding to Section 389 of the Code of Criminal Procedure, 1973), seeking suspension of sentence and grant of bail, pending the final disposal of the appeal.

2. The applicant has been convicted for an offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012, and sentenced to undergo Rigorous Imprisonment for six months and to pay a fine of ₹5,000/-, in default to suffer Rigorous Imprisonment for one month.

3. Learned counsel for the applicant submits that the applicant was on bail throughout the trial and has not misused the liberty granted to him. It is further submitted that the applicant has been sentenced to a

short term of imprisonment and that there are substantial grounds to argue in appeal, giving rise to a reasonable possibility of success. It is also contended that considering the heavy pendency of criminal appeals, there is a remote likelihood of the appeal being heard in the near future.

4. The learned Additional Public Prosecutor has vehemently opposed the application, submitting that the conviction is based on sound appreciation of evidence and does not warrant interference.

5. Upon consideration of the rival submissions and perusal of the record, including the depositions and the impugned judgment, it appears that the applicant has been awarded a short-term sentence. Considering the facts and circumstances, and without expressing any opinion on the merits of the appeal, this Court is of the opinion that suspension of sentence can be granted, subject to stringent conditions.

Hence, the following order.

I. The substantive sentence imposed upon the applicant is suspended pending the final disposal of the appeal.

II. The applicant is directed to be released on bail on furnishing a Personal Recognizance (PR) bond of ₹10,000/- with one solvent surety of like amount, to the satisfaction of the trial Court.

III. The applicant shall report to the Investigating Officer, Police Station Ambazari, Nagpur, as and when called for investigation or inquiry.

IV. The applicant shall furnish his permanent residential address and active mobile number to the Investigating Officer and shall keep the same updated in case of any change.

V. Any breach of the above conditions shall entail consequences in accordance with law, including cancellation of bail.

The application stands disposed off.

**CRIMINAL APPEAL NO. 490/2025**

Heard.

**ADMIT.**

The learned APP waives service of notice for respondent.

Call R & P.

List the appeal for further consideration on 10.11.2025.

**(NIVEDITA P. MEHTA, J.)**