



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

CRIMINAL APPLICATION (APPA) NO. 874/2025

IN

CRIMINAL APPEAL NO. 513/2025

**Avinash Tatoba Jiwane and another Vs. State of Maharashtra, through,
Police Station Officer, Police Station Korpana**

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. A.A. Dhawas, Advocate for Applicants
Mr. S.S. Hulke, APP for Respondent

CORAM: NIVEDITA P. MEHTA, J.

DATED : 15th OCTOBER, 2025

CRIMINAL APPEAL NO. 513/2025

Heard.

ADMIT.

Call for record and proceedings.

Mr. Hulke, learned Additional Public Prosecutor
waives service of notice for respondent / State.

CRIMINAL APPLICATION (APPA) No. 874/2025

The applicants have preferred the present application under Section 430(1) of the Bhartiya Nagrik Suraksha Sanhita, 2023 for suspension of sentence dated 01.10.2025.

2. The applicants have been convicted for an offence punishable under Section 11 punishable under

Section 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 354, 452 & 323 of the Indian Penal Code.

For the offence punishable u/s 354 of the IPC, the applicants sentenced to undergo rigorous imprisonment for 4 years each and to pay fine of Rs.5000/-, in default of payment of fine they each shall suffer further rigorous imprisonment for three months.

For the offence punishable under Section 452 of the Indian Penal Code, the applicants sentenced to undergo rigorous imprisonment for one year each and to pay fine of Rs.2000/-, in default of payment of fine, they each shall suffer further rigorous imprisonment for one month.

For the offence punishable under Section 323 of the Indian Penal Code, the applicants are sentenced to undergo rigorous imprisonment for six months and to each to pay a fine of Rs.1000/-, in default of payment of fine they shall each further suffer rigorous imprisonment for 15 days and all substantive sentences imposed on the applicants shall run concurrently.

3. The learned counsel for the applicants submitted that the applicants were on bail during the course of trial and they have not misused their liberty. Further it is the submission of the learned counsel for the applicants that the punishment imposed is of short

term. He further submits that there is every possibility of the applicants succeeding in the appeal.

4. Per contra, the learned Additional Public Prosecutor opposed the said application on the ground that if the applicants are released on bail, the possibility of they tampering the prosecution witnesses and evidence cannot be ruled out.

5. After considering the submissions of the learned counsel for the parties, the period of sentence and the fact that the appeal is likely to take time for final hearing, this Court is of the opinion that the application for suspension of sentence needs to be allowed. The substantive sentence imposed by the Special Judge, Chandrapur in Special (POCSO) Case No. 77/2019 is hereby suspended till final disposal of the appeal. The applicants shall be released on the following terms.

I. The applicants shall execute PR bonds in the sum of Rs.15,000/- each with one solvent surety in the like amount.

II. The applicants shall report to the trial Court on the first day of every calendar month until further orders.

III. The applicants shall furnish their current address proofs and mobile numbers to the concerned trial Court and shall inform the Court of any change in address or the contact number.

6. It is clarified that the learned APP / Investigating Officer shall be at liberty to make an application for cancellation of bail in the event of any breach of conditions or any other sufficient cause.

The criminal application is disposed off.

(NIVEDITA P. MEHTA, J.)

MP Deshpande