

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

CRIMINAL APPLICATION (APPA) NO. 877/2025

IN

CRIMINAL APPEAL NO. 514/2025

**Jai s/o Pratap Methiya Vs. State of Maharashtra, through, Police Station Officer,
Police Station Old Kamptee and another**

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. N.K. Bhangde,, Advocate for Applicant
Mrs. S.N. Thakur, APP for Respondent No.1

CORAM: NIVEDITA P. MEHTA, J.

DATED : 15th OCTOBER, 2025

CRIMINAL APPEAL NO. 514/2025

Heard.

ADMIT.

Call for record and proceedings.

Ms. Thakur, learned Additional Public Prosecutor waives service of notice for respondent No.1 / State.

CRIMINAL APPLICATION (APPA) No. 877/2025

The applicant has preferred the present application under Section 430 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (Corresponding Section 389 of the Criminal Procedure Code, 1973) for suspension of sentence pending appeal and release of applicant on bail.

2. The applicant has been convicted for an offence punishable Sections 354 & 506 of the Indian

Penal Code as well as Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, however, as per Section 42 of the POCSO Act, instead of sentencing the applicant under Section 354 of IPC, he is sentenced for the offence punishable u/s 8 and 12 of the POCSO Act to rigorous imprisonment for 3 years and fine of Rs.10,000/-, in default of payment of fine, further imprisonment for three months.

The applicant is also convicted for the offence punishable under Section 506 of the IPC and sentenced to rigorous imprisonment for 1 year and fine of Rs.1000/-, in default of payment of fine, further imprisonment for 1 months.

3. The learned counsel for the applicant submitted that the applicant was on bail during the course of trial and he has not misused his liberty. Further it is the submission of the learned counsel for the applicant that the punishment imposed is of short term. He further submits that there is every possibility of the applicant succeeding in the appeal.

4. Per contra, the learned Additional Public Prosecutor opposed the said application on the ground that if the applicant is released on bail, the possibility of he 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 Additional Sessions Judge, Nagpur in Special Case No. 514/2022 is hereby suspended till final disposal of the appeal. The applicant shall be released on the following terms.

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

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

III. The applicant shall furnish his current address proof and mobile number 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.)