

Rohit Ghuge

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 770 OF 2026
IN
CRIMINAL APPEAL NO. 245 OF 2026

Vishal Gajanan Acharya	... Applicant
<u>versus</u>	
State Of Maharashtra and Anr.	... Respondents

Mr. Pankaj Mishra a/w Mr. Gunjan Mishra, Mr. Jayant Puranik, Advocate for Appellant.

Mr. S. R. Agarkar, APP for Respondent No. 1-State.

Mr. Sudarshan Donge, Advocate for Respondent No. 2.

Mr. Nitin Palande, PSI, Trombay Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2026.

P.C. :

1. This is an application for suspension of sentence and for bail.
2. Heard learned counsel for the Applicant and the learned Additional Public Prosecutor for the Respondent-State.
3. The Applicant has been convicted for the offence punishable under Sections 354, 354-A and 509 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 12 of the Protection of Children from Sexual Offences Act, 2012 under Section 235(2) of the Code of Criminal Procedure and sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs. 3,000/-, in default to payment of fine, to suffer

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simple imprisonment for three months. The learned Additional Sessions Court has suspended the sentence during the appeal period and has granted interim bail to the Applicant.

4. During the trial, Applicant was on bail. The Applicant has deposited the fine amount. It may take time to dispose the Appeal. Hence, requested to allow the Application.

5. The learned APP and learned counsel for respondent strongly objected to allow the application on the ground that if the applicant is released on bail, he may abscond. Hence, requested to reject the Application.

6. Considering the submissions of both learned counsel as well as sentence imposed on the Applicant is short term sentence. During the trial Applicant was on bail. He has not misused the liberty. Considering these facts, the sentence is suspended till final disposal of the Appeal.

7. The Application is disposed of in the following terms.

ORDER

- i) The substantive sentence of imprisonment awarded to the applicant is hereby suspended pending disposal of the appeal, subject to the applicant furnishing a PR bond in the sum of Rs.20,000/- with one or two sureties in the like amount.

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ii) The bail bonds to be furnished before the learned Additional Sessions Judge.

iii) The Criminal Appeal is disposed of.

(SHIVKUMAR DIGE, J.)