



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

CRIMINAL APPLICATION (APPA) NO.520 OF 2025
IN
CRIMINAL APPEAL NO.291 OF 2025

Sudhakar Ramdas Dhage

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Barshitakli, District Akola and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. M. Daga, Advocate for the applicant/appellant.
Mr. S. A. Ashirgade, APP for State.

CORAM : URMILA JOSHI-PHALKE AND
NIVEDITA P. MEHTA, JJ.
DATED : 17/04/2026

1. Present application is filed by the applicant/appellant for suspension of sentence and releasing him on bail, as he is convicted in Special POCSO Case No.82/2023 dated 24.04.2025, by which the applicant is convicted for the offence punishable under Section 354 of the Indian Penal Code and under Section 10 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for six years and shall pay fine of Rs.15,000/-, in default, to suffer simple imprisonment for three months.

2. Heard learned counsel for the applicant, who submitted that the major offences which are alleged regarding the penetrative sexual assault was not proved against the present applicant. Out of the total sentence, he has already

undergone 50% of the sentence i.e. more than three years. The punishment being the limited period punishment. Further execution of the sentence be suspended. He further submitted that during the trial, he was under trial prisoner. He also invited our attention towards the impugned judgment as well as the evidence on record and submitted that the entire judgment relied upon the sole statement of the victim, which is not corroborated by the other evidence. The applicant has every chance of success in the present appeal. In view of that, the application deserves to be allowed.

3. Per contra, learned APP strongly opposed the said contention and submitted that the applicant is a teacher by profession, who subjected the minor victim girl for sexual harassment as well as sexual assault. As far as the acquittal under the other offences is concerned, which is already challenged by the State by preferring an appeal against the acquittal. In view of that, the application deserves to be rejected.

4. Learned counsel for the applicant placed reliance on **Mansharam @ Badri @ Vora vs State of Madhya Pradesh in SLP (Crl.) No.4062/2024 dated 29.04.2024.**

5. After giving due consideration to the submissions made by the learned counsel for the parties, we have perused the impugned judgment also. On going through the impugned judgment, the points raised by the learned counsel for the applicant are also perused which shows that the applicant has chance of acquittal in the present case. Moreover, the

punishment imposed is of a limited period punishment. The Hon'ble Apex Court has also considered this aspect in **Mansharam @ Badri @ Vora** (supra), wherein it is observed by the Hon'ble Apex Court that considering the material on record, we find that the appellant has made out a case for suspension of sentence and for grant of bail particularly when he has completed over 50% of the sentence awarded by the Sessions Court. Here also the applicant/appellant is convicted and directed to undergo the sentence of rigorous imprisonment for six years. He has already undergone more than three years i.e. approximately 50% of the sentence awarded. In view of the observation of the Hon'ble Apex Court, in the case of **Omprakash Sahni vs Jai Shankar Chaudhary and anr ETC** in **Criminal Appeal Nos.1331-1332/2023 dated 02.05.2023**, wherein the considerations for considering the application for suspension of sentence is considered by the Court which is reproduced is as under:

"Bearing in mind the principles of law, the endeavour on the part of the Court, therefore, should be to see as to whether the case presented by the prosecution and accepted by the Trial Court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. If the answer to the above said question is to be in the affirmative, as a necessary corollary, we shall have to say that, if ultimately the convict appears to be entitled to have an acquittal at the hands of this Court, he should not be kept behind the bars for a pretty long time till the conclusion of the appeal, which usually take very long for decision and disposal. However, while undertaking the exercise to ascertain whether the convict has fair chances of acquittal, what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the Court

can arrive at a prima facie satisfaction that the conviction may not be sustainable. The Appellate Court should not reappreciate the evidence at the stage of Section 389 of the CrPC and try to pick up few lacunas or loopholes here or there in the case of the prosecution. Such would not be a correct approach.

6. Thus, considering all the circumstances, evidence and the submissions made by the learned counsel for the applicant that he has every chance of success in the present appeal. The punishment is of a limited period punishment, out of which the applicant has already undergone 50% of the punishment. Thus, considering all these aspects, the applicant has made out a case for suspension of sentence. In view of that, we proceed to pass following order:

ORDER

- (i) The application is **allowed**.
- (ii) The execution of the sentence imposed by the learned Additional Sessions Judge, Akola in Special POCSO Case No.82/2023 dated 24.04.2025, is hereby suspended till disposal of the appeal.
- (iii) The applicant shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iv) The applicant shall attend the District and Additional Sessions Judge, Akola on 5th of every month till disposal of the appeal.
- (v) The applicant shall furnish his detailed address along with the names of his two relatives and along with their address proof before the trial Court.

The application is disposed of.

CRIMINAL APPEAL NO.291 OF 2025

The appeal be listed after preparation of the paper book for the final disposal.

(NIVEDITA P. MEHTA, J)

(URMILA JOSHI-PHALKE, J)