



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

Criminal Application [APPA] No.267 of 2026

in

Criminal Appeal No.169 of 2026

Prakash s/o Punjabrao Matale

vs.

*The State of Maharashtra, through PSO, Police Station Kholapur, District Amravati
and another*

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. I.G. Meshram, Advocate the Applicant/Appellant.

Mr. B.M. Lonare, A.P.P. for Non-Applicant/Respondent No.1.

Mr. Parimal Kavishwar, Advocate (appointed) for Respondent No.2.

CORAM : Y.G. KHOBRAGADE, J.

DATE : 5th MAY, 2026.

Heard the learned Counsel for the applicant, the learned A.P.P. and the learned Counsel for non-applicant No.2.

02. By the present application filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), the applicant seeks suspension of sentence and enlargement on bail for the offences punishable under Sections 363 and 354-B of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, during the pendency of the appeal.

03. The learned A.P.P. as well as the learned Counsel appearing for non-applicant No.2 strongly opposed the application on the ground that non-applicant No.2 and the applicant are residing in the same locality and, if the applicant is enlarged on bail, there is every possibility that he may commit a similar nature of offence. Hence, they prayed for rejection of the application.

04. It is not in dispute that on 20/02/2026, the learned Special Judge (POCSO), Amravati passed the impugned judgment and order and

sentenced the applicant to suffer rigorous imprisonment for a maximum period of four years for the offence punishable under Section 354-B of the Indian Penal Code and one year for the offence punishable under Section 363 of the Indian Penal Code. However, the applicant has been acquitted of the offences punishable under Sections 376, 511, 323, and 506 of the Indian Penal Code.

05. It *prima facie* appears that during pendency of the trial, the applicant was enlarged on bail and has been sentenced to suffer a maximum period of four years. Neither the prosecution nor non-applicant No.2 has come forward with a case that the applicant misused the liberty granted to him during the trial. Therefore, considering the nature of the offence, I am of the view that this is a fit case for suspension of sentence and for enlarging the applicant on bail during pendency of the appeal. Hence, the following order:

ORDER

- i. Substantive sentence awarded by the learned trial Court under judgment and order dated 20/02/2026 is hereby suspended during pendency of the appeal.
- ii. Applicant-Prakash Punjabrao Matale be released on bail on his executing a P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount before the trial Court.
- iii. Professional fees be quantified and paid to the learned Counsel appointed for non-applicant No.2-victim.
- iv. The application stands disposed of.

JUDGE