



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

CRIMINAL APPEAL NO.228 OF 2026.

Rustam Biban Meshram

-VERSUS-

The State of Maharashtra

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

Court's or Judge's Orders

Shri A.Z. Gharde, Advocate for the Appellant.

Shri A.A. Madiwale, A.P.P. for the Respondent/State.

CORAM : M.M. NERLIKAR, J.

DATE : MAY 05, 2026.

Heard.

2. This is an appeal against conviction. **Admit.**

Call for R & P.

Learned A.P.P. waives notice for the
Respondent.

....

Criminal Application (APPA) No.345/2026.

Heard.

2. This is an application seeking suspension of
sentence imposed by the learned Additional Sessions

Judge-11 (Special Court) Nagpur in Special Case No.207/2023 on 02.04.2026 by which the appellant was convicted for the offences punishable under Sections 354, 354-D of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and was ordered to undergo rigorous imprisonment for one year and to pay fine of Rs.2000/- for each offence i.e. total Rs.6000/- and in default, to suffer simple imprisonment for 30 days each. It is the contention of the appellant that the trial Court has not properly appreciated the evidence, and therefore, there is need to re-appreciate the same. The appellant is having a good case on merits and considering the fact that the sentence is a short term sentence, he be released on bail by suspending the sentence.

3. On the other hand the learned A.P.P. has vehemently opposed the application by contending that the appeal itself can be heard at the stage of admission. It is submitted that after scanning the entire evidence, considering the statement of the victim, the trial Court has rightly passed the judgment and order of conviction.

It is submitted that considering the fact that there is no merit in the application, the same deserves to be rejected.

4. I have considered the rival submissions canvassed by the parties. This Court has already admitted the appeal for final hearing. Prima facie it appears from the record that the appellant has a good case on merits, and further the sentence imposed is of 1 year, which is a short term sentence. Considering this fact, I am inclined to allow the application. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The sentence imposed by the learned Additional Sessions Judge-11 (Special Court) Nagpur vide its judgment and order passed in Special Case No.207/2023 on 02.04.2026 is hereby suspended.
- (iii) The appellant /applicant Rustam Biban Meshram, be released on bail in connection with Crime No.64/2023 registered with Kapilnagar Police Station, Nagpur for the offences punishable under Sections 354, 354-D of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.

- (iv) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.

JUDGE