



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4367 OF 2024
IN
CRIMINAL APPEAL NO. 946 OF 2024

Navnath Babasaheb Chavan,
Age : 32 years, Occu. : Agriculture,
R/o. Tippatwadi, Tq. & Dist. Beed.

... Applicant

Versus

The State of Maharashtra,
Through Officer In-charge,
Police Station Beed (Rural),
Dist. Beed.

... Respondent.

...
Mr. Avishkar D. Patil h/f. Mr. S. J. Salunke, Advocate for Applicant
Mr. D. R. Korade, APP for Respondent - State
...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 22 OCTOBER, 2024

PER COURT :

1. Present application is for suspension of sentence and grant of bail as a result of conviction recorded by learned Special and Sessions Judge, Beed in Special (POCSO) Case No. 45 of 2020, dated 30.09.2024 for offence punishable under sections 354-A, 354-D and 506 of Indian Penal Code (IPC).

2. In support of relief, learned counsel for applicant submits that, there are allegations showing obscene material on

mobile. It is already seized. That, The trial court awarded sentence of only six months. That, during trial he was on bail. That, there is improper appreciation of evidence and so appeal has been preferred. That, applicant has every hope of succeeding in appeal on merits. However, as appeal being of 2024, it would take much more time to be heard and decided and therefore, learned counsel prays for relief of suspension and grant of bail.

3. He also adds that, even after conviction, there was relief of suspension granted by learned trial court till appeal period is over. Learned counsel also pointed out that though the charges were framed for provisions of Protection of Children From Sexual Offences Act, 2012, prosecution could not prove the age and therefore there is acquittal under the provisions of POCSO Act.

4. Learned APP opposed on the ground that serious offence is committed. That, mobile containing obscene material is seized from accused.

5. After hearing both sides, it seems that, applicant was tried for offence punishable under sections 354-A, 354-D and 506 of IPC and section 12 of POCSO Act. However, by judgment and order dated 30.09.2024, applicant was acquitted from offence

under section 12 of POCSO Act. It also seems that, learned trial Judge in paragraph nos. 20 and 21 mentioned that age has not been proved by prosecution. Apparently, conviction is only for six months. Applicant was said to be on bail during trial. Obviously, appeal being of 2024, some more time would be required to hear the appeal.

6. Taking the above into consideration, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:-

ORDER

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicant Navnath Babasaheb Chavan in Special (POCSO) Case No. 45 of 2020 by learned Special and Sessions Judge, Beed on 30.09.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.946 of 2024.
- (iii) The applicant be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with two solvent sureties in the like amount.
- (iv) The applicant shall not commit any criminal activity.

- (v) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.
- (vi) In case of two consecutive defaults on the part of the applicant to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.
- (vii) Bail before the trial Court.

(ABHAY S. WAGHWASE, J.)