



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4472 OF 2024
IN APPEAL/986/2024**

Babasaheb s/o Prabhakar More
Age: 28 years, Occu.: Labour,
R/o. Chinchgavhan,
Tq.Majalgaon, Dist.Beed.

....Applicant
(Orig. Appellant)

Versus

1. The State of Maharashtra
Through Police Station Officer,
Police Station Majalgaon City,
Tq.Majalgaon, Dist.Beed.
and Another.

.....Respondents

.....
Advocate for Applicant : Mr. Mahesh P. Kale
APP for Respondent no.1 : Mr.N.B.Patil
Advocate for Respondent no.2 : Mr. Kuldeep Subhashrao Patil,

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 04 DECEMBER, 2024

ORDER :

1. By way of present application, prayers are raised for suspension of sentence and grant of bail during pendency of appeal arising out of judgment and order of conviction dated 16-10-2024 passed by learned Special Judge (POCSO Act), Majalgaon, Dist.Beed

in Special Case (POCSO Act) No.21 of 2020 holding applicant guilty for offence under Sections 354, 354-A and 506 of the Indian Penal Code (IPC).

2. Alleging false implication, learned Counsel for applicant submitted that conviction awarded is of one year in each offence. That in trial Court, there was no convincing evidence. That there are several points to be agitated in appeal wherein challenge has been taken to appreciation and findings of learned trial Court. He has every hope of success in appeal. However, according to him, appeal would take long time to be heard. He also pointed out that applicant was on bail during trial and for all above reasons, prayers are made for suspension of sentence and grant of bail.

3. Learned APP for respondent no.1 - State as well as learned Counsel representing respondent no.2 both objected present application. It is submitted that applicant was chargesheeted for the offence under the provisions of Protection of Children from Sexual Offences Act (POCSO Act).

4. After considering the submissions and on going through the papers, it transpires that present applicant was chargesheeted by

Majalgaon Police Station for offence under Sections 354, 354-A, 506 of the IPC and under Section 8 of the POCSO Act. On trial, applicant has been held guilty for offence under Sections 354, 354-A, 506 of the IPC and operative part of the judgment shows that he has been sentenced to suffer imprisonment for one year in each offence. Perused the statement of victim, who is examined as PW5. Taking the same into consideration, nature of allegations, quantum of sentence and as appeal would take long time to be heard, relief as prayed deserves to be granted. Accordingly, I proceed to pass following order :

ORDER

- (i) Criminal Application is allowed.
- (ii) The sentence imposed on the applicant - Babasaheb s/o Prabhakar More by the learned Special Judge (POCSO Act), Majalgaon in Special Case (POCSO Act) No.21 of 2020 dated 16-10-2024 stands suspended till final hearing and disposal of Criminal Appeal No.986 of 2024.
- (iii) The applicant be released on PR.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.
- (vii) 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.
- (viii) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE