



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.111 OF 2025
IN
CRIMINAL APPEAL NO.22 OF 2025

Rahul @ Adam Anil Rannaware,
Age : 44 years, Occu. : Service,
R/o- Khristanagar, Shantipura,
Chavani, Chh.Sambhajinagar.

... Applicant
(Orig. Accused No.1)

Versus

1. The State of Maharashtra,
Through P. S. O.
P.S. Chavani, Aurangabad.

2. X.Y.Z.
Through Her Mother
Nanda Ramesh Awahad
Age- 43 Years, Occ- Labour
R/o - Shantipura,
Chavani Aurangabad.

... Respondents.

.....
Mr. Vijay B. Jogdand Patil, Advocate for Applicant.
Mr. V. M. Chate, APP for Respondent - State.
Mr. Shubham S. Pawar, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 24 JANUARY, 2025

ORDER :

1. In spite of notice being served to respondent no.2, none appeared. Therefore, in the afternoon session, learned Advocate Mr. Shubham S. Pawar was appointed to protect the interest of respondent no.2.

2. This is an application for suspension of sentence and grant of bail on account of conviction of applicant in Special Case No. 27 of 2021 vide order dated 09.12.2024 passed by learned Additional Sessions Judge, Chhatrapati Sambhajinagar.

3. Learned counsel for applicant pointed out that, applicant was booked and tried for offence punishable under sections 354-A, 325, 323, 504 read with section 34 of Indian Penal Code (IPC) and sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act). It is further pointed out that, present applicant has been held guilty for only offence under section 8 of POCSO Act and he is sentenced to suffer three years imprisonment. That, accused nos.2 and 3 are given benefit of the Probation of Offenders Act. That, applicant is acquitted from charge of commission of offence under section 12 of POCSO Act. That, there is challenge to the said judgment and order dated 09.12.2024 as there is improper appreciation of evidence. However, appeal being of 2025, the same would not be heard in near future and that as applicant was on bail during trial, prayers for suspension of sentence and grant of bail are pressed into service.

4. Both learned APP as well learned counsel for victim have opposed the application on the ground that serious offence is proved to be committed and that there is every possibility of misuse of liberty.

5. After considering the above submissions and on going through the papers, it seems that, above crime was registered at Chawani Police Station, Chhatrapati Sambhajnagar for above offences and applicant is arrested and made to face trial. Vide judgment and order dated 09.12.2024 he is found guilty for commission of offence under section 8 of POCSO Act and made to suffer sentence of three years. Applicant was said to be on bail during trial. Perused the statement of victim, taking the same into consideration and the fact that appeal is of 2025 and there are no immediate prospectus of hearing the appeal, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant Rahul @ Adam Anil Rannaware in Special Case No. 27 of 2021 by learned Additional Sessions Judge, Chhatrapati Sambhajnagar on 09.12.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.22 of 2025.

III. The applicant be released on P.R. Bond of Rs.15,000/-

(Rupees 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 bail granted to the applicant.

VII. Bail before the trial court.

VIII. Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub-Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)