



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 341 OF 2025
IN
CRIMINAL APPEAL NO.1067 OF 2024

Gurmit Singh @ Rinkusingh
S/o. Ranbirsingh Tak, Age : 30 years,
Occ. : Salesman, R/o. Gurudwara Gate No.6,
Badnapur, Nanded, Tq. & Dist. Nanded. ... Applicant

Versus

1. The State of Maharashtra,
Through Nanalpet Police Station,
Tq. Paithan, Dist. Parbhani.
2. X.Y.Z. ... Respondents

.....
Mr. G. R. Syed, Advocate for the Applicant.
Mrs. Vaishali Chaudhari, APP for Respondent – State.
MS. Gauri J. Kulkarni, Advocate for Respondent No.2 (Appointed)
.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 25th MARCH, 2025.

ORDER :

1. Instant application is for suspension of sentence and grant of bail on account conviction recorded by learned Additional Sessions Judge, Parbhani in Special Case No.119 of 2023 sentencing applicant to suffer three years imprisonment for offence punishable under section 8 of Protection of Children from Sexual Offences Act (POCSO Act) and one year for offence punishable under section 452 of Indian Penal Code.

2. Learned counsel submitted that, applicant was tried by Additional Sessions Judge, Parbhani vide Special Case No. 119 of 2023 and held guilty by judgment and order dated 29.11.2024 passing above sentence for above offence. That, appeal has been preferred against the same, but appeal is of 2024 and there are no immediate prospects of appeal being heard or decided. He pointed out that, applicant was on bail during trial and even fine amount is already deposited and hence he urges for above relief.

3. Learned APP opposed on the ground that, on full-fledge trial conviction is recorded and there is possibility of misuse of liberty.

4. Heard. By virtue of judgment and order dated 29.11.2024 applicant is held guilty for offence punishable under section 8 of POCSO Act and section 452 of IPC and is sentenced to suffer three years and one year respectively for each of the offence. Said judgment and order is questioned, but appeal being of 2024, much more time would be required to hear and decide the same. Applicant is said to be on bail during trial and fine amount is said to be deposited. Hence, the following order is passed :-

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant Gurmit Singh @ Rinkusingh S/o. Ranbirsingh Tak in Special Case No.119 of 2023 by learned Special/Additional Sessions Judge, Parbhani on 29.11.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.1067 of 2024.

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.]