



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

**915 CRIMINAL APPLICATION NO. 816 OF 2025
IN APEAL/147/2025**

RAJESH DEVIDAS KAGLE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

WITH

CRIMINAL APPEAL NO. 147 OF 2025

Mr.Rajendraraa Deshmukkh, Senior Advocate a/w Rakshanda Jaiswal
& Vikas Matkar, i/b Mr. Devang Deshmukh, Advocate for the
applicant

Mr. A. S. Deshmukh, APP for the respondents/State

Mr. S. G. Chincholkar, Advocate for the respondent No.2

CORAM : ABHAY J. MANTRI, J.

DATE : 16th SEPTEMBER, 2025

P. C.

1. The applicant has moved this application for suspension of substantive sentence awarded by the learned Special Judge (POCSO), Biloli in Special (POCSO) Case No. 6/2017 by order dated 04-02-2025 for the offences punishable under Sections 306 of the IPC and Section 11 read with 12 of the POCSO and he is directed to suffer rigorous imprisonment for three years and shall pay fine of Rs.25,000/-, in default to undergo RI for six months for the offence punishable under section 305 of the IPC.

2. Learned Senior counsel Mr. Deshmukh for the applicant submitted that during the pendency of the trial, the applicant/accused was on bail, and after passing the conviction order, he was released on bail by order dated 04-02-2025. The applicant has deposited the fine amount in the Trial Court. Therefore, he urged for suspension of the substantive sentence till the appeal is disposed of and the applicant be released on bail.

3. The learned APP and learned advocate for respondent No. 2 have objected to the application.

4. Having considered the facts of the case as well as the grounds raised in the appeal memo, I do not find any substance in the objections.

5. Apart from this, it appears that the interim protection granted is continued till this date. It also appears that the applicant was released on executing a PR bond of Rs. 50,000/- only. However, considering the nature of the offence, I deemed it appropriate to direct him to furnish solvent surety to the extent of Rs. 50,000/- [Rupees Fifty Thousand Only] within four weeks before the learned trial court.

6. Having considered the above, I find substance in the submission of the learned Senior counsel for the applicant. Therefore,

I deemed it appropriate to grant the application as prayed for.

7. As such the substantive sentence awarded by the learned Special Judge (POCSO), Biloli in Special (POCSO) Case No. 6/2017 by order dated 04-02-2025 for the offences punishable under Sections 306 of the IPC and Section 11 read with 12 of the POCSO, is suspended and he be released on bail on executing SB and PB of Rs.50,000/- [Rupees Fifty Thousand Only] before the trial court within a period of four weeks.

8. The application stands disposed of accordingly.

CRIMINAL APPEAL NO.147 OF 2025

1. Having considered the grounds raised in the appeal memo, the appeal is '**admitted**'.

2. The learned Advocate Mr. Chincholkar waives service of notice for the respondent No. 2. Learned APP waives service of notice for respondents/State.

3. Call for R & P along with a paper book.

[ABHAY J. MANTRI, J.]