



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 885 OF 2025
IN
CRIMINAL APPEAL NO. 141 OF 2025

Manoj S/o. Bhimrao Pardhi,
Age : 30 years, Occu. : Labourer,
R/o. Deur Budruk,
Tq. & Dist. Dhule.

... Applicant

Versus

1. The State of Maharashtra,
Through Shirpur Taluka Police Station,
Dist. Dhule.

2. XYZ.

... Respondents

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Mr. Siddhesh S. Ghodke, Advocate for Applicant.

Mr. N. D. Batule, APP for Respondent – State.

Mr. A. C. Deshpande, Advocate for Respondent No.2 (Appointed).

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 MARCH 2025

PRONOUNCED ON : 20 MARCH 2025

ORDER :

1. This is an application for suspension of sentence and grant of bail on account of conviction recorded by Special Judge (POCSO) and Additional Sessions Judge, Dhule in Special Case No.13 of 2017 by judgment and order dated 18.02.2025.

2. Learned counsel for applicant pointed out that, applicant was tried before above court vide Special Case No.13 of 2017. That,

by judgment and order dated 18.02.2025, he is held guilty for commission of offence under sections 354-A(i) and 354-D of Indian Penal Code along with sections 8 and 12 of the Protection of Children from Sexual Offences Act and maximum sentence awarded is of three years and to pay fine. That, applicant was on bail during trial. That, applicant has preferred appeal before this court, but it being of 2025 and there are no immediate prospects of hearing the same. Therefore, considering the quantum of sentence, learned counsel seeks suspension of sentence and grant of bail.

3. Learned APP as well as learned counsel appointed for respondent no.2, both opposed on the ground that, on full-fledge trial, guilt has been recorded and serious offence is established to be committed.

4. After considering the above submissions and on going through the papers, it appears that, applicant was booked for commission of offence punishable under sections 354-A, 354-D of IPC and sections 7 r/w 8 and section 11 r/w 12 of POCSO Act and on being charge-sheeted applicant was tried by learned Special Judge, Dhule, who after accepting the case of prosecution convicted applicant for offence punishable under sections 354-A(i) and 354-D of IPC and sections 8 and 12 of POCSO Act.

5. Though he is convicted for serious offence, maximum sentence is of three years. Fine imposed is already reported to be paid. Applicant is said to be on bail during trial. As appeal against above judgment and order is of 2025 and obviously it would take long time to be heard and decided, 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 Manoj S/o. Bhimrao Pardhi in Special Case No.13 of 2017 by learned Special Judge (POCSO) and Additional Sessions Judge, Dhule on 18.02.2025 stands suspended till the final hearing and disposal of Criminal Appeal No.141 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.)