



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

**912 CRIMINAL APPLICATION NO. 1100 OF 2024
IN APPEAL/244/2024**

Shilwan Babruwan Lade

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Sandanshiv Milind B.
APP for Respondents-State: Ms. Vaishali Patil Jadhav
Advocate for Respondent No.2 : Mr. A. V. Thombre

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 09, 2025.

PER COURT :-

1. The present application has been filed by the original accused for suspension of the substantive sentence imposed upon him in Special Case No. 59/2020, by judgment and order dated 23/02/2024, passed by the learned Special Judge, Ambajogai.

2. The applicant has been convicted as follows :

"1. Accused No. (1) Shilwan Babruwan Lade, Age 20 years is hereby convicted for an offence punishable under section 376(2)(N) of Indian Penal Code and he is sentenced to suffer rigorous imprisonment of 10 years and fine amount of Rs. 2,000/-, in default of fine he shall suffer 2 months simple imprisonment vide section 235(2) of Cr. P.C.

2. Further he is convicted for an offence punishable under section 354-A of IPC and sentenced to suffer rigorous imprisonment of 1 year and fine amount of Rs. 1,000/-, in default of fine he shall suffer 1 month simple imprisonment vide section 235(2) of Cr. P.C.

3. Further he is convicted for an offence punishable under section 452 of IPC and he sentenced to suffer rigorous imprisonment for 3 years and fine amount of Rs. 1,000/- and in default of fine he shall suffer 1 month simple

imprisonment vide section 235(2) of Cr. P.C.

4. *Further he is convicted for an offence punishable under section 4 of POCSO Act and he sentenced to suffer rigorous imprisonment of 20 years and fine amount of Rs. 2,000/-, in default of fine he shall suffer 2 months simple imprisonment vide section 235(2) of Cr. P.C.*

5. *Further he is hereby convicted for an offence punishable under section 6 of POCSO Act and he sentenced to suffer rigorous imprisonment of 20 years and fine amount of Rs. 2,000/-, in default of fine he shall suffer 2 month simple imprisonment vide section 235(2) of Cr. P.C. .*

6. *Further he is convicted for an offence punishable under section 8 of POCSO Act and sentenced to suffer rigorous imprisonment of 3 years and fine amount of Rs. 1,000/- in default of fine he shall suffer 1 month simple imprisonment vide section 235(2) of Cr. P.C.*

7. *Further he is sentenced for an offence punishable under section 12 of POCSO Act and sentenced to suffer rigorous imprisonment of 1 year and fine amount of Rs. 1,000/-, in default of fine he shall suffer simple imprisonment of 1 month vide section 235(2) of Cr. P.C.....”*

3. Heard both sides.

4. It appears that the victim was 13 years old at the time of the incident, which allegedly occurred on 28/07/2020. The FIR was registered on 30/07/2020. Upon perusal of the medical records and the statement of the victim recorded under Section 164 of the Cr.P.C., there is no explicit mention of penetrative sexual assault by the applicant/accused on the victim.

5. The learned appointed counsel for respondent No. 2, on instructions, submits that they have no objection to the grant of bail to the applicant, provided that the applicant does not enter the locality where the victim resides. The learned counsel for the applicant submits that the applicant undertakes not to enter village Revli, Taluka Parli Vaijnath, District Beed.

6. Considering the fact that the applicant has been in jail for the last 15 months, his young age, and prima facie observations from the victim's statement under Section 164 of the Cr.P.C., the Court is of the view that the substantive sentence deserves to be suspended till the final hearing and disposal of the appeal, subject to the applicant depositing the fine amount, if not already deposited, and on the following terms:

ORDER

1) The application is allowed, subject to the condition that the applicant shall deposit the fine amount before the Trial Court, if the same has not already been deposited.

2) The sentence imposed upon the applicant/appellant in Special Case No. 59/2020, by judgment and order dated 23/02/2024, passed by the learned Special Judge, Ambajogai, is hereby suspended until the final hearing and disposal of Criminal Appeal No. 244/2024.

3) The applicant/appellant shall be released on P.R. bond of Rs. 30,000/- (Rupees Thirty Thousand only) with two sureties of Rs. 15,000/- (Rupees Fifteen Thousand only) each.

4) The applicant/appellant shall not indulge in any criminal activity during the pendency of the appeal.

5) The applicant/appellant shall not enter village Revli, Taluka Parli Vaijnath, District Beed during the trial proceedings.

7. Bail shall be furnished before the Trial Court.

(ARUN R. PEDNEKER, J.)

vj gawade/-.