



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1728 OF 2025
IN CRIMINAL APPEAL NO. 353 OF 2025

Shaikh Irfan Moin

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. U.B. Bilolikar, Advocate for the applicant

Mr. R.K. Ingole, A.P.P. for respondent no.1 – State

Ms. Riya Pande, Advocate h/f Ms. Namita Thole, Advocate for respondent no.2 (appointed)

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CORAM : ABHAY J. MANTRI, J.

DATE : 10th OCTOBER, 2025

PER COURT :

1. Ms Pande, learned counsel, submitted that Ms Thole, learned counsel, is now appointed as Law Clerk, and therefore, she is unable to appear in the matter. In view of the same, the appearance of Ms Namita Thole, learned counsel for Respondent No.2, is discharged.

2. Ms Naina Patil, learned counsel, is hereby appointed to represent Respondent No.2 in this matter.

3. The applicant has filed this application to suspend the substantive sentence awarded by the impugned judgment and order dated 24th April, 2025 passed by learned Special Judge (POCSO Act), Biloli in Sessions Case No. 4 of 2019 thereby convicting the applicant under Section 354-D of the Indian Penal Code and under Sections 11 punishable under Section 12 of the

Protection of Children from Sexual Offences Act ('POCSO Act') and sentenced to suffer rigorous imprisonment for one year on each count and to pay fine of Rs.10,000/- each for both the offences.

4. Heard learned counsel for the applicant and learned A.P.P. for Respondent No.1 – State and Ms Patil, learned counsel for Respondent No.2. Perused the impugned judgment and record.

5. At the outset, it appears that during the trial, the applicant was on bail. After the Special Court passed the conviction order, the applicant was released on bail. The applicant has also deposited the fine amount with the Special Court. The applicant has also challenged the impugned judgment and order by filing a criminal appeal before this Court, and the same is pending. It will take time to finally decide.

6. Having considered the above facts, it would be appropriate to suspend the substantive sentence awarded by the impugned judgment and order and release the applicant on bail.

7. As such, a criminal application is allowed. The sentence awarded by the impugned judgment and order is hereby suspended, and the applicant be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (Rupees fifty Thousand) till disposal of the appeal. Fees of Ms Naina Patil, learned counsel appointed to represent Respondent No.2, are to be quantified as per the rules.

(ABHAY J. MANTRI, J.)