



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1726 OF 2025
IN CRIMINAL APPEAL NO. 351 OF 2025

Dipak Bajirao Patil

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. C.B. Chaudhari, Advocate for the applicant

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

Ms R.R. Jaiswal, Advocate for respondent no.2 (appointed through Legal Services Authority)

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CORAM : ABHAY J. MANTRI, J.

DATE : 24th SEPTEMBER, 2025

PER COURT :

CRIMINAL APPLICATION NO. 1726 OF 2025 :-

1. The applicant has moved this application for suspension of the substantive sentence of imprisonment awarded by the Special Judge (POCSO), Additional Sessions Judge, Dhule, by order dated 15th April, 2025, in Special Case No. 125 of 2021, during the pendency of the appeal.

2. Learned counsel for the applicant submitted that during the pendency of the Trial, the applicant was on bail. By impugned judgment and order dated 15th April, 2025, the appellant was convicted for the offences punishable under Sections 354, 354(A)(i) and 452 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, and awarded the maximum sentence of three years of rigorous imprisonment.

However, the learned Trial Court released the applicant on bail on the same day on furnishing P.B. and S.B. of Rs. 25,000/-. He further contended that the applicant had deposited the fine amount in the trial court and, therefore, urged for suspension of sentence and release of him on bail.

3. Learned A.P.P. and learned counsel appearing for Respondent No.2 – victim vehemently opposed the application, contending that the applicant has committed the offence against the honour of the victim, and therefore, leniency should not be shown to him and accordingly urged for rejection of the application.

4. Having considered the above submissions as well as having gone through the record, prima facie it appears that during the Trial, the applicant was on bail and after passing the conviction order, he was released on bail on furnishing P.B. and S.B. of Rs.25,000/- before the Trial Court as well as he has deposited the fine amount in the Trial Court. Similarly, this Court, by order dated 16th May, 2025, continued the order passed by the trial Court of granting bail to the applicant, which was extended from time to time until this date. It also appears that the applicant has challenged the impugned judgment and order before this Court in appeal, and the same is pending. The appeal will take its own time to be finally decided. Moreover, the nature of the sentence awarded is short-term. Having considered the same, in my view, it would be appropriate to suspend the sentence awarded by the Trial Court and release the applicant on bail during the pendency of the appeal.

5. As such, the sentence awarded to the applicant by Special Judge (POCSO), Additional Sessions Judge, Dhule, by order dated 15th April, 2025, passed in Special Case No. 125 of 2021, is hereby suspended till disposal of the appeal. The applicant has already been released on bail on P.B. and S.B. of Rs. 25,000/-. The said bail bonds are to be continued till the pendency of the appeal. Criminal application is disposed of.

6. Ms. Rakshanda R. Jaiswal, learned counsel, is appointed to represent Respondent No.2 through the Legal Services Authority. Therefore, her fees will be quantified as per the rules.

CRIMINAL APPEAL NO. 351 OF 2025 :-

1. Heard.
2. Considering the grounds raised in the appeal memo, the appeal is 'admitted'.
3. Issue notice to the respondents.

Learned A.P.P. waives service of notice for Respondent No.1 – State. Since Ms Jaiswal, learned counsel, is appointed for Respondent No.2 through Legal Services Authority in the application, she is requested to waive notice on behalf of Respondent No.2 in the appeal.

4. Call Record and Proceedings.
List the matter after receipt of the Record and Proceedings.

(ABHAY J. MANTRI, J.)