



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

**986 CRIMINAL APPLICATION NO. 2130 OF 2025
IN
CRIMINAL APPEAL NO.1030/2023**

**SAGAR BABASAHEB SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. Z.H.Farooqui
APP for Respondent-State : Mrs.A.S.Mantri
Advocate for Respondent no.2 : Mr.R.M.Gaikwad
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 22.07.2025**

P.C. :

1] The present application has been filed by the applicant for suspension of substantive sentence imposed on the applicant in Special Case [POCSO] No.12/2020, by order dated 11.09.2023, by learned Extra Joint District Judge & Additional Sessions Judge, Latur. The applicant has been convicted thus:

The applicant is sentenced to suffer rigorous imprisonment for twenty years and to pay fine of Rs.1000/- in default to suffer simple imprisonment for six months for the offence punishable under Sections 354 (A), 376 (2),

376 (3) of IPC r/w. Section 6, 8, 12 of the Protection of Children from Sexual Offences Act.

2] The applicant was arrested on 15.01.2020 and continues to be in custody till date.

3] The learned counsel for the applicant submits that the applicant is suffering from moderately differentiated squamous cell carcinoma [skin cancer].

4] The learned APP was asked to take instructions to that effect. The learned APP submits that the applicant is suffering from cancer and the treatment for cancer is available in the Government hospital.

5] The learned counsel for the applicant submits that the applicant wants to seek treatment in private hospital.

6] Considering the submissions of the applicant, I pass the following order :

ORDER

i] The substantive sentence imposed on the applicant in Special Case [POCSO] No.12/2020, by order dated 11.09.2023, by learned Extra Joint District Judge &

Additional Sessions Judge, Latur, stands suspended, for a period of 12 weeks from the date of release.

ii] The applicant be released on bail on furnishing P.R.bond of Rs.20,000/-, with one or two sureties in the like amount. Bail before the trial Court.

iii] Criminal Application is disposed of accordingly. However, liberty is reserved to the applicant to move appropriate application within period of 10 weeks.

iv] Mr.R.M.Gaikwad, learned counsel appointed by this Court to represent the cause of respondent no.2, shall be paid fees of Rs.10,000/- by the High Court Legal Aid Services Sub-Committee, Aurangabad.

[ARUN R. PEDNEKER]
JUDGE

DDC