



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

985 CRIMINAL APPLICATION NO. 2267 OF 2025
IN APEAL/768/2022
WITH
CRIMINAL APPEAL NO. 768 OF 2022

AKASH BABAN SHIRSATH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shermale K. N.
APP for Respondent/State : Mr. A.S. Mantri
...

CORAM : ARUN R. PEDNEKER, J.
Dated : July 23, 2025

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for respondent/State.
2. Criminal Application No. 2267/2025 is filed for suspension of substantive sentence imposed by the learned Special Judge under POCSO Act, Ahmednagar vide judgment and order dated 26.9.2022 in Sessions Case No. 410/2016. The relevant part regarding substantive sentence is as under :-

"-: ORDER :-

- (1) Accused **Akash Baban Shirsath** is hereby **convicted** to have committed offence punishable under Section 376(2)(n) Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 as per provisions c section 235(2) of Code of Criminal Procedure.
- (2)
- (3) Accused **Akash Baban Shirsath** is sentenced to suffer **Rigorous Imprisonment for Ten (10) years** and to pay a **fine of Rs.20,000/- (Rupees Twenty Thousands only)** under Section 235(2) of the Code of Criminal Procedure for the

offence punishable under **Section 376(2)(n)** of the Indian Penal Code. In default of payment of fine, he is further sentenced to suffer Rigorous Imprisonment for **two months**. On realization of fine amount, same be paid over to the victim girl as compensation, after the appeal period is over.”

3. The learned counsel for the applicant submits that the applicant/appellant is sentenced to suffer 10 years of rigorous imprisonment and to pay fine of Rs. 20,000/-. The learned counsel for the applicant submits that fixed sentence of imprisonment is imposed on the applicant and he would complete three years of imprisonment in September, 2025. The learned counsel submits that the applicant was on bail during trial. The learned counsel therefore prays to release the applicant on bail.

4. Perused the impugned judgment and order. The applicant is undergoing the sentence since last three years. The applicant was on bail during the pendency of the trial. Considering that appeal will take substantial period of time to conclude, no purpose would be served to keep the applicant behind bars till the conclusion of the appeal. Hence, the application filed for suspension of sentence is allowed and disposed of. The applicant shall be released on bail on such terms and conditions to the satisfaction of the trial court, subject to depositing of fine amount by the applicant.

5. Appeal is **admitted**. The learned APP waives service of notice for respondent/State.

6. Call R. & P.

(ARUN R. PEDNEKER, J.)

ssc/