



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CRIMINAL APPLICATION NO. 2394 OF 2025 IN APEAL/489/2025
WITH
CRIMINAL APPEAL NO. 489 OF 2025

PRADIP BHAGWAN PAGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Jadhav Mangesh R.
APP for Respondent/State : Mr. G.O. Wattamwar
...

CORAM : ARUN R. PEDNEKER, J.
Dated : July 09, 2025

PER COURT :-

1. The present application is filed for suspension of substantive sentence imposed on the applicant. The learned Special Judge (POCSO Act), Vaijapur, District Aurangabad vide judgment and order dated 8.5.2025 in Special POCSO Case No. 16/2019 has convicted the applicant/accused as under :-

ORDER

1] The accused is convicted for the offences punishable under sections 354, 354-(D)(1) and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 vide Section 235(2) of the Code of Criminal Procedure and he is sentenced as follows :-

i) For the offence punishable under Section 354 of the Indian Penal Code, to suffer rigorous imprisonment for 03 (Three) years and fine of Rs.1,000/- (Rupees One-Thousand only) in default to suffer further rigorous imprisonment for Six (6) months.

ii) For the offence punishable under Section 354-(D)(1) of the Indian Penal Code, to suffer rigorous imprisonment for 03 (Three) years and fine of Rs.1,000/- (Rupees One-Thousand only) in default to suffer further rigorous imprisonment for Six (6) months.

iii) For the offence punishable under Section 506 of the Indian

Penal Code, to suffer rigorous imprisonment for 01 (One) year and fine of Rs.1,000/- (Rupees One-Thousand only) in default to suffer further rigorous imprisonment for Six (6) months.

iv) For the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012, to suffer rigorous imprisonment for 03 (Three) years and fine of Rs.1,000/- (Rupees One-Thousand only) in default to suffer further rigorous imprisonment for One (1) year.

v) For the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012, to suffer rigorous imprisonment for 02 (Two) years and fine of Rs.1,000/- (Rupees One-Thousand only) in default to suffer further rigorous imprisonment for Three (3) months.

2] The substantive sentences of imprisonment to run concurrently.

3]"

2. The learned counsel for the applicant submits that the sentence imposed on the applicant is suspended by the trial Court vide order dated 8.5.2025. The learned counsel submits that the applicant has case on merits and he has filed appeal and the appeal will take substantial time to be heard and therefore, the substantive sentenced imposed on the applicant may be stayed till the conclusion of the appeal and the applicant may be released on bail.

3. Considering the gravity of the offence and maximum sentence imposed is of three years and the sentence is already suspended by the trial Court vide order dated 8.5.2025, I hold that the above sentence imposed on the applicant can be suspended and the applicant can be released on bail.

4. In view of the above, the above sentence imposed on the applicant/appellant is suspended till the conclusion of the appeal. The

applicant be released on bail on such terms and conditions to the satisfaction of the court. The application is disposed of.

5. Appeal is **admitted**. After admission, the learned APP waives service of notice for respondent/State.

6. Call R. & P.

(ARUN R. PEDNEKER, J.)

ssc/