



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2450 OF 2025
IN
CRIMINAL APPEAL NO. 493 OF 2025

Sahebrao Narayan Bobade

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. M.S. Bhosale, Advocate for the applicant

Ms V.S. Chaudhari, A.PP for respondent no.1 – State

Mr. S.P. Mahale, Advocate for respondent no.2 (appointed by the Court)

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CORAM : ABHAY J. MANTRI, J.

DATE : 29th SEPTEMBER, 2025

PER COURT :

1. The applicant/accused has moved this application for suspension of the substantive sentence dated 18th June, 2025, imposed by the Special Judge, Kallam, Dist. Osmanabad, in Special Case No. 76 of 2023 and releasing the applicant on bail till the disposal of the appeal.

2. Heard learned counsel for the applicant and A.PP for the State and learned counsel for the respondent no.2 – complainant. Perused the impugned judgment and record.

3. Learned counsel for the applicant submitted that the applicant is 86 years old. During the trial, he was in jail from 01st December 2020 to 06th March 2021, and after the passing of the order of conviction, he was again taken into custody on 18th June 2025, and till this date, he is in jail. He further submitted that during the trial, the applicant was on bail. The applicant has also deposited the fine

amount of Rs. 4,000/- in the Court on the same day. The applicant has not committed any offence but has been falsely implicated in the present crime. He further canvassed that by this Appeal, the applicant is challenging the impugned judgment and order, which will take its own time. Therefore, he urged for the grant of suspension of the substantive sentence and release of the applicant on bail.

4. On the other hand, learned A.P.P. and learned counsel for Respondent No.2 vehemently opposed the application, contending that the applicant has committed a heinous offence against a minor girl, and therefore, the learned trial Court has rightly convicted him. They further pointed out paragraph no. 26 of the impugned judgment. They submitted that in such types of cases, the absence of injury to the private part of the victim is not sufficient to discard the evidence adduced by the victim. Therefore, they have strongly objected to suspending the sentence and releasing the applicant on bail. However, learned counsel for Respondent No.2 has not disputed that the applicant is 84 years old.

5. It is pertinent to note that the appeal challenging the impugned judgment and order is pending and will take its own time. As such, having considered the aforesaid facts and grounds raised in the appeal memo as well as having gone through the impugned judgment and order, in my view, it would be appropriate to suspend the substantive sentence awarded by the trial Court till the conclusion of the appeal and release the applicant on bail.

6. As a result, a criminal application is allowed. The substantive sentence awarded by Special Judge Kallam, Dist. Osmanabad vide order dated 18th June, 2025, in Special Case No. 76 of 2023 is hereby suspended till disposal of the appeal. The applicant be released on bail on furnishing P.B. and S.B. of Rs. 1,00,000/-

(Rupees One Lakh) with two solvent sureties before the learned Trial Court. The criminal application stands disposed of accordingly.

7. Mr. S.P. Mahale, learned counsel, is appointed by this Court to represent Respondent No.2. As such, his fees are to be quantified by Legal Services Authority as per the rules.

(ABHAY J. MANTRI, J.)

SSD