



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

**908 CRIMINAL APPLICATION NO. 3134 OF 2025
IN APEAL/603/2025**

Arshad Rabbi Patel,
Age : 23 years, Occupation: Labour,
R/o. Supreme Colony, Near Kuba Masjid,
Tal. & Dist. Jalgaon.

... Applicant

VERSUS

1. The State of Maharashtra,
through MIDC Police Station, Jalgaon,
Tal. & Dist. Jalgaon.
(Served through AGP, Bombay High
Court, Aurangabad Bench)

2. XXXXXXXXXXXXXXXX
Prosecutrix in FIR registered at
MIDC Police Station,
Bearing FIR no.317 of 2023
Tal. & Dist. Jalgaon.

3. XXXXXXXXXXXXXXXX
Informant in FIR registered at
MIDC Police Station,
Bearing FIR no.317 of 2023
Tal. & Dist. Jalga

... Respondents.

...

Mr. Niranjan Vasant Dhake, Advocate for Applicant.

Ms. Anuradha S. Mantri, APP for Respondent-State.

Ms. Pooja A. Patil, Advocate for Respondent Nos.2 and 3.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 20 AUGUST, 2025

P.C.:-

1. Heard learned Advocates for both the sides.

2. This is an application for suspension of sentence and grant of bail on account of conviction awarded by the learned Special Judge (POCSO), Jalgaon, in Sessions Case No.163 of 2023 dated 22nd July 2025, in which the Applicant/Accused was held liable under Section 354 of the Indian Penal Code, 1860 (IPC) and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and sentencing him rigorous imprisonment for 5 years and a fine of Rs.7,000/- in default to suffer rigorous imprisonment for 2 months for the offence punishable under Section 7 of the POCSO Act and rigorous imprisonment for 3 years and a fine of Rs.3,000/- in default to suffer rigorous imprisonment for 1 month for the offence punishable under Section 354 of the IPC.

3. Learned Advocate for the Applicant pointed out the impugned judgment and submitted that the Applicant is falsely implicated in the matter. He pointed out the admissions of the Informant, who is mother of the victim child. He further submitted that victim-Respondent No.2 has been turned hostile. He further submitted that rest of the witnesses are not eye witnesses which had not seen the occurrence of themselves. He submitted that the Applicant-Accused is arrested on 15th May 2023, since then he is behind bars. He prays to allow the application.

4. Ms. Pooja Patil, learned Advocate has instructions to appear on behalf of Respondent Nos.2 and 3. She submits Affidavit-in-reply and Vakalatnama of Respondent Nos.2 and 3. The Affidavit-in-reply is taken on record and marked as "A" for identification.
5. Learned Advocate for Respondent Nos.2 and 3 has opposed the application and learned APP has also opposed the application.
6. Learned Advocate for Respondent Nos.2 and 3 submitted that there was misunderstanding between the Accused-Applicant and the Informant and, therefore, report was lodged.
7. Considering the peculiar facts of the case, it would be proper to release the Applicant on bail on certain conditions. Hence, the following order.

ORDER

- (i). Criminal application is hereby allowed.
- (ii). The substantive part of sentence passed as against the applicants by the learned Special Judge (POCSO), Jalgaon in Special Case No.163 of 2023 dated 17th July 2025 is hereby suspended till the disposal of appeal and till then the Applicant-accused is released on bail on furnishing personal bond of Rs.25,000/- with one

surety of the like amount.

(iii). Bail before the lower court.

(iv). Application is disposed of.

(SANJAY A. DESHMUKH, J.)

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