

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

930 CRIMINAL APPLICATION NO. 3173 OF 2025
IN APEAL/611/2025

DILAWAR GAMBHIR PINJARI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms Devyani S. Sonawane h/f Mr. N. L.
Chaudhari

APP for Respondents/State : Mr. A. S. Deshmukh

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CORAM : ABHAY J. MANTRI, J.
DATE : 16.09.2025.

PER COURT :

1. Heard the learned Advocate holding for Mr. Chaudhari for the applicant and the learned APP for the State.
2. None appears for respondent No. 2, though served.
3. The applicant has moved this application for suspension of substantive sentence awarded by the learned Special Judge (POCSO), in Special Case No. 45 of 2017, by order dated 15.07.2025 for the offences punishable under Sections 354-A (I) and sentenced to suffer R.I. for one year and to pay fine of Rs. 1,000/- in default R.I. for 15 days. He was further convicted for the offence punishable under Section 452 of I.P.C. and sentenced to suffer R.I. for one year and to pay a fine of Rs. 1,000/-, in default R.I. for 15 days. He was also convicted for the

offence punishable under Section 8 of the Protection of Children from Sexual Offences Act and sentenced to suffer R.I. for three years and to pay a fine of Rs. 1,000/-, in default R.I. for 15 days. It was directed that the substantive sentences to run concurrently.

4. The learned advocate for the applicant submits that during the pendency of the trial, the applicant was on bail, and after passing the conviction order, he was also released on bail. She further argues that the applicant was convicted of the offences as stated above. She further submitted that the applicant has already deposited the fine amount in the trial Court and furnished Surety Bond and Bail Bond before the trial Court as per the order dated 15.07.2025 of the learned trial Court.

5. Having considered the above submissions and having gone through the record, prima facie, I find substance in his contentions. Apart from this, the applicant/appellant has also preferred an appeal challenging the judgment and order passed by the learned trial Court. The appeal will take its own time to be finally decided. In the above circumstances, I am of the view that it would be appropriate to suspend the substantive sentences awarded by the trial Court and release the applicant on bail during the pendency of the appeal.

6. As such sentence/s awarded by the learned Trial Court by order dated 15.07.2025 in Special Case No. 45 of 2017, are hereby

suspended till disposal of the appeal.

7. The applicant has already been released on bail as per the order dated 15.07.2025; accordingly, he has executed PB and SB of Rs. 25,000/- before the learned trial Court. The PB. and S.B. shall be continued till the disposal of the appeal.

8. The Criminal Application is disposed of.

(ABHAY J. MANTRI)
JUDGE

mahajansb/