



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 CRIMINAL APPLICATION NO. 3901 OF 2025
IN APEAL/767/2025

Pradeep Shankar Walke
Age: 22 years, Occu: Education,
R/o: Khuntegaon, Taluka Ausa,
District Latur

... Applicant/
Appellant

Versus

1. The State of Maharashtra,
Through Police Station officer
Ausa Police Station, Taluka: Ausa,
District Latur.

2. XYZ.

... Respondents

...

Mr. Satyajit S. Bora, Advocate for Applicant/Appellant;

Ms. M. L. Sangit, APP for Respondent-State;

Ms. Shilpa L. Awchar, Advocate for Respondent No.2.

...

CORAM : NEERAJ P DHOTE, J.

DATE : 1st DECEMBER, 2025

P.C.:-

1. This is an Application for suspension of sentence and bail.
The Applicant is convicted and sentence by the learned Additional
Sessions and Special Judge-4, Latur, District Latur in Sessions Case
No.53 of 2022 by the judgment and order dated 23.09.2025 as
follows:-

“1. The CCL by name **Pradeep Shankar Walke** is convicted for
offence punishable under Section 376(2) (n) of the Indian
Penal Code, 1860 alternatively for offences punishable under

Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 vide Section 235(2) of the Code of Criminal Procedure, 1973.

2. *The CCL by name **Pradeep Shankar Walke** is sentenced to suffer rigorous imprisonment for ten years for the offence punishable under Section 6 of the Protection of Children from the Sexual Offences Act, 2012 with fine of ₹1,000/- (Rupees One Thousand Only) in default to suffer rigorous imprisonment for two months. No separate punishment needs to be inflicted for the offence punishable under Section 376(2)(n) of the Indian Penal Code, 1860.*
3. *He is further sentenced to suffer rigorous imprisonment for seven years and fine of ₹1,000/- in default to suffer rigorous imprisonment for One month for offence punishable under Section 4 of the Protection of Children from the Sexual Offences Act, 2012.”*

2. Heard learned Advocate for the Applicant/Appellant, learned APP for Respondent No.1-State and learned Advocate for Respondent No.2-Victim.

3. With the assistance of both the side, I have perused the relevant evidence on record.

4. The case of the prosecution is that, the Applicant/Appellant by giving false promise of marriage to the child, committed sexual intercourse with her. When the Victim's sister noticed that Victim is vomiting, she inquired with the Victim and the Victim narrated the incident to her. The Sonography indicated single intrauterine fetus. The matter was reported to the concerned Police Station and Crime

No.73 of 2019 came to be registered against the Applicant/Appellant. After the investigation, the charge-sheet was filed and after full fledged trial, the Applicant/Appellant came to be convicted and sentenced as above.

5. The evidence on record shows that the Victim was 16 years and some months old at the relevant time. It is not disputed that the Applicant/Appellant was younger than the Victim at the relevant time. The testimony of the Victim show that, they both were acquainted with each other and she also liked him. Though, she has deposed that the Applicant/Appellant had forcible sexual intercourse with her at first point of time in January 2019, her evidence further show that, again they had sexual relations for about 4 times. The Victim at that point of time was studying in 11th Standard. This *prima-facie* show that the Victim was of matured understanding. She never reported about the said incident to anybody till her sister noticed that the Victim was vomiting. The testimony of the Victim show that, she was happily married with two children. The Applicant/Appellant was on bail during trial. The maximum sentence imposed on the Applicant/Appellant is of 10 years. The Appeal is of 2025 and not likely to be heard in near future. In this view of the matter, I proceed to pass the following order:-

ORDER

- (i) The Application is allowed.
- (ii) The substantive Sentence imposed by the learned Additional Sessions and Special Judge-4, Latur, District Latur in Sessions Case No.53 of 2022 vide the Judgment and order dated 23.09.2025 on the Applicant/Appellant, by name, Pradeep Shankar Walke, for the offence punishable under Section 376(2)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, is suspended during pendency of the Appeal.
- (iii) Applicant/Appellant - Pradeep Shankar Walke be released on bail on furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (iv) The Applicant/Appellant shall co-operate in early hearing of the Appeal.
- (v) Bail before the Trial Court.
- (vi) Fees of the learned Advocate Ms. Shilpa L. Awchar appointed through legal aid to represent Respondent No.2 is quantified at Rs.10,000/- (Rs. Ten Thousand)

for this Application, which shall be paid by the High Court Legal Services Sub-Committee, Aurangabad Bench.

(vii) Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

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