



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

CRIMINAL APPLICATION NO. 4155 OF 2025  
IN APEALST/11509/2025

Bachhu @ Nahsun Babusing Naik

...Applicant

**Versus**

The State of Maharashtra & Anr.

...Respondents

.....

Mr. Suvidh S. Kulkarni – Advocate [appointed] for the Applicant

Mrs. Ashlesha S. Deshmukh – APP for the State

Ms Pramila V. Giri – Advocate [appointed] for Respondent No. 2 / Victim

.....

AND

CRIMINAL APPEAL [ST] NO. 11509 OF 2025

Bachhu @ Nahsun Babusing Naik

...Appellant

**Versus**

The State of Maharashtra & Anr.

...Respondents

.....

Mr. Suvidh S. Kulkarni – Advocate [appointed] for the Appellant

Mrs. Ashlesha S. Deshmukh – APP for the State

Ms Pramila V. Giri – Advocate [appointed] for Respondent No. 2 / Victim

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AND

CRIMINAL APPLICATION NO. 4156 OF 2025  
IN APEALST/11509/2025

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**Versus**

The State of Maharashtra & Anr.

...Respondents

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Mr. Suvidh S. Kulkarni – Advocate [appointed] for the Applicant

Mrs. Ashlesha S. Deshmukh – APP for the State

Ms Pramila V. Giri – Advocate [appointed] for Respondent No. 2 / Victim

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CORAM : NEERAJ P DHOTE, J.

DATED : 02<sup>ND</sup> DECEMBER, 2025

PER COURT : -

**CRIMINAL APPLICATION NO. 4155 OF 2025: -**

1. This is an Application for condonation of 357 days delay in preferring the Appeal against Conviction.
2. Heard the learned Advocate for the Applicant, learned APP for the Respondent/State and the learned Advocate for Respondent No.2.
3. For the reasons mentioned in the Application, same is allowed in terms of prayer clause 'B' and disposed off.

**CRIMINAL APPEAL [ST] NO. 11509 OF 2025: -**

1. This is an Appeal against Conviction.
2. Heard. **Admit.**
3. Issue notice to the Respondents. Learned APP waives service of notice for the State and learned Advocate Ms Giri waives service of notice for Respondent No. 2 / Victim.
4. Call for Record and the Paper-book.
5. Copy of paper-book prepared by the office of the High Court Legal Services Sub Committee, Aurangabad Bench, is taken on record.

**CRIMINAL APPLICATION NO. 4156 OF 2025 : -**

1. This is an Application for suspension of sentence and bail.
2. Heard the learned Advocate for the Applicant/Appellant, the learned APP for the State and the learned Advocate for the Victim.
3. The Applicant/Appellant is convicted by the learned Judge, Special Court under POCSO Act & Additional Sessions Judge, Shahada, in Spl. Case (POCSO) No. 15 of 2017, for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years with fine of Rs.3,000/- (Rs. Three thousand only), in default, to suffer simple imprisonment for one (1) month.
4. Paragraph no. 4 of the operative order reads as under : -  
  

*“4. Accused was in detention from 21.10.2013 to 03.01.2014 and thereafter from 06.08.2022 to 08.02.2023. Thereafter, he is in further detention from 25.04.2024 till today i.e. 13.09.2024. Hence, he deserves for set off as per Section 428 of the Code of Criminal Procedure. The aforesaid period of detention undergone by him shall be set off against the aforesaid terms of imprisonment of imposed on him on conviction.”*
5. There is no dispute that the Applicant has suffered the detention for a period of two (2) years and nine (9) months, which is three (3) months short for three (3) years. The Appeal is admitted

today. There is no likelihood of Appeal being heard finally in the near future. Hence, the following order is passed: -

**ORDER**

- [i] The Application is allowed.
- [ii] The sentence imposed upon the Applicant by the learned Judge, Special Court under POCSO Act & Additional Sessions Judge, Shahada, in Spl. Case (POCSO) No. 15 of 2017, is hereby suspended till the final decision of the Appeal. The Applicant be released on bail on his furnishing personal bond of Rs.15,000/- [Rupees Fifteen Thousand], with one or two sureties in the like amount.
- [iii] Bail before the Trial Court.
- [iv] The Applicant shall cooperate in early disposal of the Appeal
- [v] The fees of the learned Advocate appointed to represent the Applicant is quantified at Rs. 10,000/- [Rupees Ten Thousand] and the fees of learned Advocate appointed to espouse the cause of Respondent No. 2 / Victim is quantified at Rs. 7,500/- [Rupees Seven Thousand Five Hundred], which shall be paid by the High Court Legal Services Sub Committee, Aurangabad Bench.
- [vi] The Application stands disposed off.

**[NEERAJ P. DHOTE]**  
**JUDGE**

SG Punde