



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

**CRIMINAL APPLICATION NO. 4641 OF 2024
IN APPEAL/1006/2024**

Tanaji Baburao Aglawe
Age: 55 years, Occu.: Agri.,
R/o. Kati, Tq.Tuljapur, Dist.Dharashiv.Applicant

Versus

- 1) The State of Maharashtra
Through Police Station,
Police Station, Tamalwadi,
Tq.Tuljapur, Dist.Dharashiv.
- 2) XYZRespondents

.....
Advocate for Applicant : Mr. Vivekanand Bhagwanrao Deshmukh
APP for Respondent no.1 : Ms.Vaishali S.Chaudhari
Advocate for Respondent no.2 : Ms. J. R. Nawale (appointed)
.....

CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 17 JANUARY, 2025
PRONOUNCED ON : 21 JANUARY, 2025**

ORDER :-

1. This is an application for suspension of sentence and grant of bail on account of conviction of applicant in Special Case no.44 of 2020 imposed by the learned Special Judge, Osmanabad by order dated 19-10-2024.

2. It is pointed out that, applicant was arrested and tried vide above sessions case for commission of offence under Section 354-B of the Indian Penal Code (IPC) and under Sections 8, 10, 12 of the Protection of Children from Sexual Offences Act (POCSO Act) and maximum sentence awarded is five years and to pay fine. He pointed out that, during trial, applicant was on bail. That, appeal has been preferred against judgment of conviction by filing appeal, however, as the same would take long time to be heard, learned counsel seeks relief of suspension of sentence and grant of bail.

3. Learned APP as well learned counsel for victim both have strongly opposed application and submitted that serious offence has been committed with three minor girls. The pervert act has been reported by all four girls resulting into crime. That victim as well as independent witnesses have testified. Thus, for above reasons, they pray to reject the application.

4. After considering the submissions and on going through the papers, it transpires that on report lodged at Tamalwadi

Police Station, crime was registered for above offences and after investigation, applicant was tried vide Special Case No.44 of 2020 before learned Special Judge, Osmanabad. Papers show that prosecution adduced evidence of in all seven witnesses including eye witnesses. On appreciation of evidence, by judgment and order dated 19-10-24, applicant was held guilty and sentenced for above offences i.e. for a term of five years and three years for each of the offences respectively. Against the same, appeal seems to have been preferred before this Court, which is numbered as Criminal Appeal No.1006 of 2024. After considering the submissions and on going through the depositions of victims, there seems to be allegation that girls, who were admittedly minor, were taken in the field on the pretext of giving farm produce (*Dhale*) and after removing their clothes, applicant allegedly felt their bodies by moving his hand over the same and further threatened to push them in the well, if they report anyone about such incident. Such accusations are accepted by the learned trial Court as proved and conviction has been recorded.

5. Therefore, considering the nature of accusations, and as applicant was on bail during trial, and also the fact that appeal, which is of 2024, would take some time to be heard, relief as prayed deserves to be granted. Accordingly, following order is passed :

ORDER

- (i) Criminal Application is allowed.
- (ii) The substantive sentence imposed on the applicant – Tanaji Baburao Aglawe by the learned Special Judge, Osmanabad in Special Case No.44 of 2020 dated 19-10-2024, stands suspended till final hearing and disposal of Criminal Appeal No.1006 of 2024.
- (iii) The applicant be released on P.R. Bond of Rs.15,000/- (Rs.Fifteen thousand only) with two solvent sureties in the like amount.
- (iv) The applicant shall not commit any criminal activity.
- (v) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing

from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

- (vi) In case of two consecutive defaults on the part of the applicant to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.
- (vii) Bail before the trial Court.
- (viii) Fees of learned counsel appointed to represent respondent no.2 is to be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

(**ABHAY S. WAGHWASE**)
JUDGE