



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1066 CRIMINAL APPLICATION NO. 3418 OF 2024
IN
APEAL/739/2024

BHAUSAHEB RADHAKISAN GADEKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Salunke Sudarshan J
APP for Respondent/State: Mr. D. J. Patil
Advocate for Respondent No.2 :
Mrs. Rekha Mohale Choudhari (appointed)

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CORAM : ARUN R. PEDNEKER, J.

DATE : 25th JUNE, 2025

PER COURT:

1. Heard.
2. Criminal Application No.3418 of 2024 has been filed by the applicant for suspension of substantive sentenced imposed on him in Special Case Child Prot. No.105/2018, dated 26.07.2024, by learned Additional Sessions Judge, Chhatrapati Sambhajanagar. The maximum sentence is of 5 years with fine of Rs.10,000/-.
3. The learned counsel for the applicant submits that the date of the incident is 23.06.2018 and the FIR is registered after 15 days i.e. on 07.07.2018. He also submits that the mother has admitted that on

26.06.2018 father of the victim had been to the police station and lodged a report against the appellant accused in respect of quarrel taken place of parking of motor bike. He also points out that the incident was immediately mentioned to the victim, however, there is no lodging of the report as regards the incident on 23.06.2018 immediately. He also submits that the conviction for alleged offence is also not as regards penetrative assault. Considering the same and that the maximum sentence is of 5 years and that the applicant had undergone approximately 1 year imprisonment the sentence may be suspended.

4. Per contra, the learned APP, so also, learned counsel appearing for the victim submits that the applicant has been convicted after full fledged trial. He may not be not granted bail.

5. Considering the submissions of the applicant and apparently also that he was on bail during the pendency of the trial. The applicant has not misutilized the liberty and he has not committed any similar offence. Also considering, prima facie case that may be available in favour of the applicant and also considering that this appeal may take considerable time to reach it's logical conclusion, the sentence can be suspended.

6. Considering the above, I pass the following order :

ORDER

i] Criminal Application is allowed.

ii] The substantive sentence imposed on the applicant in Special Case Child Prot. No.105/2018, dated 26.07.2024, by learned Additional Sessions Judge, Chhatrapati Sambhajanagar, stands suspended till the final hearing and disposal of Criminal Appeal.

iii] The applicant be released on bail on furnishing P.R.bond of Rs.20,000/-, with one or two sureties in the like amount.

iv] Bail before the trial Court.

v] The applicant also to attend the trial court 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.

[ARUN R. PEDNEKER, J.]

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