



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1553 OF 2025
IN
CRIMINAL APPEAL NO. 305 OF 2025

Sandeep Ambadas Shinde,
Age : 36 years, Occu. : Agri.
R/o. Paan Nagar, Ranjangaon,
Tq. Gangapur, Dist. Chh. Sambhajinagar ... Applicant

Versus

1. The State of Maharashtra,
Through Police Station Inspector,
Police Station MIDC Waluj,
Tq. Gangapur, Dist. Chh. Sambhajinagar
2. X.Y.Z. [Deleted] ... Respondents

.....
Mr. Avinash R. Borulkar, Advocate for applicant
Mr. P. K. Lakhotiay, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.
DATED : 30 APRIL 2025

ORDER :

1. The matter is not on board. Taken on board.
2. Oral submissions are made that there is acquittal under the provisions of POCSO Act and, therefore, he seeks permission to delete respondent no.2, who is shown to be party inadvertently.
3. Permission is granted to delete respondent no.2

4. Issue notice to the respondent. The learned APP waives service of notice on behalf of the respondent.

5. Present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Additional Sessions Judge, Gangapur, District Chhatrapati Sambhajanagar in Special Case Child Prot. No.652/2025, dated 08.04.2025 for offence punishable under Sections 354(D) of Indian Penal Code.

6. The learned counsel pointed out that, applicant was tried vide above Special Case by learned Additional Sessions Judge, Gangapur, District Chhatrapati Sambhajanagar and by judgment and order dated 08.04.2024 he is held guilty for offence punishable under Section 354(D) I.P.C. and he has been sentenced to suffer three months imprisonment. Exception has been taken to the same by filing appeal. Considering the quantum of sentence and as there are no prospects of appeal being heard in near future, he urges for suspension of sentence and grant of bail. He further makes statement that during trial the applicant was on bail. Fine amount is already paid. He further pointed out that even learned trial court after convicting protected the applicant up to 07.05.2025.

7. The learned APP opposed on the ground that on full fledged trial guilt has been recorded and learned APP apprehends misuse

of liberty.

8. Heard the submissions and perused the papers.

9. Vide the Judgment and Order dated 08.04.2025 in Special Case Child Prot. No.652/2025, the applicant is held guilty for offence under Section 354(D) of I.P.C. and sentence is apparently for 3 months. This Judgment is taken to exception by filing appeal. The appeal being of the year 2025, there are no immediate prospects of hearing the appeal in near future. Hence, considering the quantum of sentence following order is passed :-

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant Sandeep Ambadas Shinde in Special Case Child Prot. No.652 of 2025 by learned Additional Sessions Judge, Gangapur, District Chhatrapati Sambhajnagar, on 08.04.2025 stands suspended till the final hearing and disposal of Criminal Appeal No.305 of 2025.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees 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 bail granted to the applicant.

VII. Bail before the trial court.

(ABHAY S. WAGHWASE, J.)

Marathe