

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRI-INTERIM APPLICATION NO. 342 OF 2025
IN
CRIMINAL APPEAL NO. 1112 OF 2023**

HARISH
VITHAL
CHAUDHARI

Rohan Dattatraya Shete

...Applicant

Versus

State Of Maharashtra And Anr.

...Respondent

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Mr. Pratik G. Tare a/w Sachin Y. Mane & Vaishnavi Swami Advocate
for the Applicant.

Mr. Abhang Suryawnashi Advocate for Respondent No. 2.

Mr. S. S. Chaudhari, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 19th DECEMBER, 2025

P.C.

1. By this application, the applicant is seeking suspension of sentence and grant of bail in Special Case (POCSO) No. 36 of 2020.

2. It is contention of learned counsel for the applicant that applicant is convicted by learned Addl. Sessions Judge, Karad at Karad in Special Case (POCSO) No.36 OF 2020 by Judgment and order dated 21st August, 2023 for the offence punishable under Sections 376(2)(f) and 376(2)(n) of Indian Penal Code, 1860, Section 3(a) read with Section 4 and Section 5(j)(ii) read with Section 6 of Protection of Children from Sexual Offences Act, 2012. and sentenced to suffer rigorous imprisonment for 20 years and to

pay fine of Rs.1,50,000/-, in default to suffer further 6 months rigorous imprisonment and directed to pay compensation of Rs.1,00,000/- to the victim. Learned counsel further submitted that the applicant has undergone more than 2 years and 11 months out of 20 years sentence. The relation between the applicant and victim were consensual. The victim has no objection to suspend the sentence imposed on the applicant. Applicant is undertakes to pay the compensation amount as well as fine amount within a period of one week after releasing from jail and requested to allow the application.

3. Learned APP strongly objected to allow the application on the ground that at the time of incident, the victim was 13 years old. The prosecution has proved the case beyond doubt. Accordingly, Applicant has convicted. If the Applicant released on bail, he may abscond and requested to reject the application.

4. It is contention of learned counsel for Respondent No. 2 victim that she has no objection to suspend the sentence imposed on the applicant.

5. I have heard all the learned counsel. There is delay in lodging the FIR. The applicant is behind bar more than 2 years and 11 months. There are contradictions in the statement under Section 164 of Cr.P.C. given by the victim before the learned JMFC and the

statement given to the police. The applicant is Karta of his family. It may take time to dispose of the appeal. Considering these facts, I pass following order :

ORDER

- I. The application is allowed;
 - II. The substantive sentence of imprisonment awarded to the applicant by the learned Addl. Sessions Judge, Karad at Karad in Special Case (POCSO) No.36 OF 2020 by Judgment and order dated 21st August, 2023 is hereby suspended pending disposal of appeal.
 - III. The applicant be enlarged on bail on furnishing PR bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
 - IV. The bail bonds to be furnished before the learned Addl. Sessions Judge, Karad at Karad.
 - V. The applicant shall deposit the compensation amount as well as fine amount within period of one week after release from jail.
 - VI. The victim is permitted to withdraw the compensation amount as directed by the trial Court.
 - VII. The applicant shall not object for withdrawal of the compensation amount. If he objects, the suspension of sentence be cancelled.
6. The application is allowed in the aforesaid terms and is accordingly disposed off.

(SHIVKUMAR DIGE, J.)