

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 401 OF 2025
IN
CRIMINAL APPEAL NO. 80 OF 2025

Sangam Sambhaji DubalApplicant

Versus

The State of Maharashtra and anrRespondents

Mr. Mahindra Deshmukh a/w Mr. P. B. Talase, Advocate for the Appellant.

Dr. A. A. Takalkar, APP for the Respondent-State.

Ms. Shraddha Ambale, Karad City Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd DECEMBER, 2025.

P.C.

1. By this application, the applicant is seeking suspension of sentence imposed upon him vide Judgment and Order dated 24th December 2024 by Extra Joint Addl. Sessions Judge, Karad in Special Case (POCSO) No. 39 of 2023.

2. It is contention of learned counsel for applicant that the applicant is convicted for offence punishable under Section 376 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 10 years and fine of Rs. 50,000/-, in default to suffer rigorous imprisonment for 1 year. He is also convicted for offence punishable

under Section 376(2)(n) and sentenced to suffer rigorous imprisonment for 10 years and fine of Rs. 50,000/-, in default to suffer rigorous imprisonment for 1 year. The applicant is also convicted for offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 2 years and fine of Rs. 10,000/-, in default to suffer rigorous imprisonment for 2 months. He is also convicted for offence punishable under Section 3 p/u/s. 4 of Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for 10 years and fine of Rs. 50,000/-, in default to suffer rigorous imprisonment for 1 year.

The applicant is also convicted for offence punishable under Section 5(1) p/u/s. 6 of Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for 20 years and fine of Rs. 50,000/-, in default to suffer rigorous imprisonment for 1 year. He is also convicted for offence punishable under Section 7 p/u/s. 8 of Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for 3 years and fine of Rs. 25,000/-, in default to suffer rigorous imprisonment for 3 months. He is also convicted for offence punishable under Section 11 p/u/s. 12 of Protection of Children from

Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for 3 years and fine of Rs. 25,000/-, in default to suffer rigorous imprisonment for 3 months.

3. It is contention of learned counsel for applicant that the physical relation between the applicant and victim was consensual. At the time of incident, victim was more than 17 years old. The learned Sessions Judge has not considered this fact. No evidence in respect of date of birth of the victim was produced on record. Applicant is behind bar for more than 1 year. During trial, he was on bail. It may take time to dispose off the appeal. The applicant is 25 years old. If he remains behind bar, his life will be ruined. Hence, requested to allow the application.

4. It is contention of learned APP alongwith learned counsel for respondent no. 2 that the applicant sexually assaulted the victim by threatening her. He was harassing her continuously. The prosecution has proved the case beyond doubt before the learned Trial Court. The learned Trial Court has passed a well reasoned order. If applicant is released on bail, he may abscond and requested to reject the application.

5. I have heard all learned counsels, perused impugned

Judgment and Order. In cross-examination, the victim admits that she had love relation with the applicant. The Trial Court has imposed maximum sentence on the applicant without considering this fact. No evidence is produced on record to prove the age of the victim. It may take time to dispose off the appeal.

6. Considering these facts, I pass following order:

ORDER

I. The application is allowed.

II. The substantive sentence of imprisonment awarded to the applicant vide Judgment and Order dated 24th December 2024 by Extra Joint Addl. Sessions Judge, Karad in Special Case (POCSO) No. 39 of 2023 is hereby suspended pending disposal of appeal.

III. The applicant be enlarged on bail on furnishing PR bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.

IV. The bail bonds to be furnished before the learned Extra Joint Addl. Sessions Judge, Karad.

7. The application is disposed off in above terms.

(SHIVKUMAR DIGE, J.)

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