

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.432 OF 2025
IN
CRIMINAL APPEAL NO.8 OF 2025**

HARISH
VITHAL
CHAUDHARI

Pandurang Srirang KengarApplicant

Vs.

State Of Maharashtra And AnrRespondents

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by HARISH
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Date:
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Adv. Mrunal P. Kulkarni & Ruchita R. Patil i/b C. R. Sonecha for
the Applicant.

Adv. Ujwal Thombare for Respondent No. 2.

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th SEPTEMBER 2025

P.C.:

1. By this application, the applicant is seeking suspension of sentence imposed upon him by the Adhoc District Judge- 1 and Addl. Sessions Judge, Sangli in Sessions Case No.80 of 2021
2. It is the contention of learned counsel for the applicant that the applicant has been convicted under Section 376(2)(n), 363, 366, 342 and 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for ten years and to pay total fine of Rs.6,500/- and in default to suffer simple imprisonment

for 8 days. Learned counsel for the applicant further submits that at the time of incident the victim was 22 years old. In spite of having two children she stayed with the applicant for three days, but she did not make hue and cry. The relations between the applicant and victim were consensual. But this fact is not considered by the Trial court and has awarded the sentence, which is erroneous. Hence, requested to allow the Application.

3. The learned APP for the Respondent – State along with Respondent No. 2 submitted that the applicant had kidnapped the victim from the brook where she was washing the cloths and detained her in his house for three days and sexually assaulted her. The prosecution has proved the case against the applicant beyond doubt. If the applicant is released on bail, he may abscond and requested to reject the Application.

4. I have heard all learned counsel. Perused the impugned order and judgment.

5. Out of ten years of imprisonment, the applicant has undergone four years and ten months imprisonment. Applicant has deposited the entire fine amount. It appears from the record that the victim was major. She stayed with the applicant for

three days, but she did not make hue and cry during that period. It appears that relations between the applicant and victim were consensual. But this fact is not considered by the Trial Court. It may take time to dispose of the Appeal.

6. In view of above, the Applicant's sentence is suspended and he is enlarged on bail till pending the hearing and final disposal of the appeal, on the following terms and conditions.

ORDER

The applicant be enlarged on bail on furnishing
P. R. Bond in the sum of Rs.25,000/- with one
or two sureties in the like amount.

7. Interim Application is allowed in the aforesaid terms and disposed of.

8. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]