

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 856 OF 2025
IN
CRIMINAL APPEAL NO. 904 OF 2025**

Sagar Sharad Londhe

.... Applicant

Versus

The State of Maharashtra and Anr.

.... Respondents

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Mr. Kalpesh Patil, Advocate for the Applicant.

Mr. N. B. Patil, A.P.P., for the Respondent – State.

Ms. Swati Gaud, Advocate for Respondent No.2.

Mr. Nikhil Magdum, PSI, Karad City Police Station – present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th OCTOBER, 2025.

P.C. :

1. Heard learned counsel for the Applicant, learned APP for the Respondent – State, and learned counsel for the Respondent No.2.
2. By this application, The Applicant is seeking suspension of sentence.
3. The Applicant has been convicted by the Jt. Additional Sessions Judge, Karad, for the offences punishable under Section 5(j) (ii) and Section 6 of the Protection of Children from Sexual Offences

Act, 2012 (for short, “POCSO Act”) and sentenced to suffer 20 years Rigorous Imprisonment (for short, “RI”) and pay fine of Rs.1,00,000/- and in default to undergo one year for RI. The Applicant has been convicted for an offence punishable under Sections 3(a) and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”) and sentenced to suffer 10 years RI and to pay fine of Rs.50,000/- in default to undergo six months RI. The Applicant has been convicted for an offence punishable under Section 7 and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”) and sentenced to suffer 4 years RI and pay fine of Rs.10,000/- in default to undergo two months RI. The Applicant has been convicted for an offence punishable under Section 11 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”) and sentenced to suffer 1 year RI and pay fine of Rs.10,000/- in default to undergo two months RI. The Applicant has been convicted for an offence punishable under Section 376(2)(n) of the Indian Penal Code, 1860 (for short, “IPC”), but no separate sentence is awarded as sentence is awarded under Section 4 and Section 6 Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”). The Applicant has been convicted for the

offence punishable under Section 354-D of the Indian Penal Code, 1860 (for short, “IPC”) and sentenced to suffer 1 year and to pay fine of Rs.10,000/- in default to undergo two months RI.

4. It is contention of learned counsel for the Applicant that at the time of incident the victim was sixteen years and six months old, whereas the Applicant was 28 years old. There was love affair between the Applicant and victim. The Applicant was ready to marry with the victim, but due to oppose from the family of victim, the Applicant could not marry with the victim.

Learned counsel further submitted that the victim, in her cross-examination, has admitted to having love affair with the Applicant. The Applicant is behind bars for more than seventeen month. The Applicant is Karta of his family. It may take time to dispose of the appeal. Hence, requested to allow the application.

5. It is contention of learned APP along with learned counsel for Respondent No.2 that the prosecution has proved its case beyond reasonable doubt before the trial Court. The trial Court has convicted the Applicant on the basis of evidence, including the fact that the Applicant's DNA matched with fetus of the first informant. The Applicant has undergo seventeen months imprisonment out of the

total sentence of twenty years. If the Applicant is released on bail, he may abscond, and requested to reject the application.

6. I have heard all learned counsel, perused the impugned judgment and order passed by the Trial Court.

7. It appears from the evidence that at the time of incident, the victim was more than sixteen years old. In her cross examination, the victim has admitted to having love affair with the Applicant. During the trial, the Applicant was on bail and he has not misused liberty. There is contradictions in the statement of the victim regarding the date of the alleged sexual assault by the Applicant; however, these aspects were not considered by the learned trial Court. Considering the age of the Applicant as well as, it may take time to dispose off the appeal, I pass following order:

ORDER

- i. The application is allowed.
- ii. The substantive sentence imposed on the Applicant in Special Case No. 1 of 2021 is suspended, in terms of order dated 22nd April, 2024 passed by the Jt. Additional Sessions Judge, Karad, till final disposal of

the appeal.

iii. The Applicant be enlarged on bail on furnishing P.R.

Bond in the sum of Rs.30,000/- with one or two sureties
in the like amount.

iv. The bail bond to be furnished before the learned
Sessions Judge.

v. The Applicant shall provide his address and any change
in address as well as contact number to the
Investigating Officer.

8. Ms. Swati Gaud is appointed through Legal Aid to represent
for Respondent No.2, Professional Fees of Rs.10,000/- be paid to her.

9. In view of aforesaid terms, the Application is allowed and
accordingly disposed off.

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

(SHIVKUMAR DIGE, J.)