

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRI-INTERIM APPLICATION NO. 1107 OF 2025
IN
CRIMINAL APPEAL NO. 1058 OF 2024**

Rohit Tukaram Jadhav	...Applicant
Versus	
State Of Maharashtra And Anr.	...Respondents

**WITH
CRIMINAL APPEAL NO. 1058 OF 2024**

Rohit Tukaram Jadhav	...Appellant
Versus	
State Of Maharashtra And Anr.	...Respondents

Mr. Ravi Kadam a/w Mr. Somnath Thengal for Applicant.
Mr. P. P. Deokar, APP for the Respondent-State.
Adv. Rohinee Yadav, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.
DATE : 16th DECEMBER 2025

P.C.

1. By this application, the applicant is seeking suspension of sentence.

2. It is contention of learned counsel for the applicant that the applicant is convicted by learned Additional Sessions Judge, Islampur, Sangli in Special (POCSO) Case No.14 of 2022 dated 25.11.2022 for the offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous

imprisonment for 20 years and to pay fine of Rs.5,000/-, and in default, to suffer simple imprisonment for one month. He is also convicted under Section 363 of the Indian Penal Code, 1860 and Sentence to suffer rigorous imprisonment for five years and to pay fine of Rs.3,000/- and in default, to suffer the simple imprisonment for one month. Learned counsel further submitted that at the time of incident, the victim was 15 years and 7 months old. She stayed with the applicant for 10 months and 15 days but she did not complain anyone and the Tribunal has not considered this fact and maximum sentence has imposed to the applicant. The applicant is behind the bar for more than 3 years and 10 months. It may take time to dispose off the appeal and requested to allow the application.

3. It is contention of learned APP and learned counsel for the respondent No.2 that the applicant was aware of the age of the victim, inspite of that he kidnapped her and sexually assaulted her on several times. The prosecution has proved the case beyond doubt before the Trial Court. If applicant is released on bail, he may abscond and requested to reject the application.

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

5. It appears that from the record that the victim stayed with the applicant for 10 months and 15 days unless Police arrested the applicant. During that period, victim did not lodge complaint against the applicant. The Trial Court has sentenced the applicant for maximum punishment. The Trial court has not considered the fact that the victim was stayed with the applicant for 10 months and 15 days. The applicant is behind the bar for more than three months and 10 days. He is Karta of his family. It may take time to dispose off 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 Additional Sessions Judge, Islampur, Sangli in Special (POCSO) Case No.14 of 2022 dated 25.11.2022 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 Additional Sessions Judge, Islampur, Sangli.
6. The application is allowed in the aforesaid terms and is accordingly disposed off.

7. As Adv. Rohinee Yadav is appointed to represent Respondent No.2 through legal-aid, professional fees of Rs.10,000/- be paid to her.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)