

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRI-INTERIM APPLICATION NO. 1116 OF 2025
IN
CRIMINAL APPEAL NO. 687 OF 2023**

Saddam-husen Mahamad-kasim Shah	...Applicant
Versus	
State Of Maharashtra And Anr.	...Respondents

Mushahid Khan, Advocate for the Applicant.
Mr. Nitin B. Patil, A.P.P., for the Respondent – State.
Adv. Amar P. Dhumal, Advocate for the 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 prosecution's case that the applicant is convicted by learned Extra Joint District Judge and Additional Sessions Court, Sangli in Special (POCSO) Case No. 18 of 2022 vide order dated 6th April 2023 for the offences punishable under Section 376 (2)(n) of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012. The applicant is sentenced to 25 years

rigorous imprisonment and directed to pay fine amount of Rs.15,000/-

3. It is the contention of learned counsel for the applicant that the victim did not support the prosecution case before the Trial Court, inspite of that, the Trial Court has convicted the applicant and sentenced him to 25 years rigorous imprisonment and to pay fine amount of Rs.15,000/-. Learned counsel further submitted that the applicant is behind the bar for more than 3 years. He is Karta of his family. It may take time to dispose off the appeal and requested to allow the application.

4. It is contention of learned APP that the victim is sister-in-law of the applicant. The applicant sexually assaulted her several times. Due to sexual assault, she got pregnant. The Trial Court has passed well reasoned order. No interference is required in it. If the applicant is released on bail, he may abscond. Hence, requested to reject the application.

5. It is contention of learned counsel for the respondent No.2 that the respondent No.2 has no objection to allow the present application.

6. I have heard all learned counsel, perused impugned judgment and order.

7. Before the Trial Court, the first informant and victim did not support the prosecution case. The Trial Court convicted the applicant on the basis of DNA report. The applicant is behind the bar for more than 3 years. 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 learned Extra Joint District Judge and Additional Sessions Court, Sangli in Special (POCSO) Case No. 18 of 2022 vide order dated 6th April 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 District Judge and Additional Sessions Court, Sangli.

8. The application is allowed in the aforesaid terms and is accordingly disposed off.

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

(SHIVKUMAR DIGE, J.)