

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1675 OF 2025
IN
CRIMINAL APPEAL NO.646 OF 2023

Mahesh Laxman Karale	...Applicant
<i>Versus</i>	
1. The State of Maharashtra	...Respondents
2. A.B.C. (Victim)	

Mr. Aniket Vagal a/w Savvy Kolhekar, Juhi Kadu, Kunal Pednekar,
Advocate for Applicant.

Mr. Kiran C. Shinde, APP for Respondent No.1- State.

Mr. Yashodeep Deshmukh a/w Vaidehi Deshmukh, Advocate
appointed through Legal Aid for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.
DATED : 27th June 2025

P.C.:

1. Heard Mr. Vagal, learned Counsel for the Applicant, Mr. Shinde, learned APP for the State and Mr. Deshmukh, learned Advocate appointed to represent the interest of Respondent No.2.

2. The relief sought in this Interim Application is suspension of sentence and enlargement on bail of the Applicant. By the Judgment and Order dated 28th April 2023 passed by learned Additional Sessions Judge, Solapur under Special POSCO Court in

Sessions Case No.20 of 2018, the Applicant has been convicted under Section 363 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.3,000/-, and in default of payment of fine, Applicant to suffer simple imprisonment of four months. The Applicant has been further convicted for the offence punishable under Section 4 of POSCO Act and sentenced to suffer rigorous imprisonment for 7 years and to pay fine of Rs.5,000/- and in default of payment of fine, the Applicant has to suffer simple imprisonment for six months. The Applicant further has been convicted for the offence punishable under Section 8 of POCSO Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.3,000/-, and in default of payment of fine, the Applicant to suffer simple imprisonment for three months.

3. It is the main submission of Mr. Vagal, learned Counsel for the Applicant that the F.I.R. was lodged on 8th September 2017, the Applicant has been arrested on 23rd October 2017 and after a period of about 3 months, he has been granted bail. He submitted that he is in Jail since 28th April 2023 i.e. the impugned Judgment of conviction and sentence. He submitted that when the Applicant

was on bail, he has not misused the liberty. He submits that there are various valid grounds in the Appeal and therefore, the Applicant be released on bail.

4. It is the submission of Mr. Vagal, learned Counsel for the Applicant that even as per the case of the prosecution, there was love affair between the victim and the Applicant. At the relevant time, age of the Applicant was 22 years and the victim was 14 years old. However, he states that the victim was knowing the consequences of her act. Apart from that, he submits that the evidence on record do not show penetrative sexual assault. He, therefore submits that the Applicant be granted bail.

5. On the other hand, Mr. Shinde, learned APP and Mr. Deshmukh, learned Counsel appointed to represent the interest of the Respondent No.2 submit that at the relevant time, age of the Applicant was 14 years. The evidence on record clearly shows that the Applicant is involved in the serious crime. Both of them state that the Interim Application be dismissed.

6. The Criminal Appeal has already been admitted by Order dated 14th June 2023.

7. There are very valid points raised to challenge the Order of conviction and sentence. It is required to be noted that the Applicant was arrested on 23rd October 2017 and thereafter released on bail within a period of three months. He was thereafter taken into custody on 20th April 2023, at the time of passing the impugned Judgment.

8. Thus, it is clear that the Applicant was on bail for about 5 years. There is nothing on record to show that the Applicant has misused the liberty. Accordingly, case is made out for suspension of sentence and granting bail during the pendency of the Criminal Appeal.

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:

ORDER

(a) The sentence of imprisonment imposed vide Judgment and Order dated 28th April 2023 passed by the

learned Additional Sessions Judge, Solapur in Session Case No.20 of 2018 is suspended during pendency of Criminal Appeal No.646 of 2023, preferred by the Applicant and the Applicant is directed to be released on bail on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;

(b) The Applicant shall not contact the victim or her family members or any other witnesses in any manner.

10. Accordingly, the Interim Application is allowed in the aforesaid terms and disposed of.

11. This Court places on record its appreciation for the assistance rendered by Mr. Yashodeep Deshmukh, learned Counsel appointed to represent the interest of the Respondent No.2.

BHALCHANDRA
GOPAL DUSANE

(MADHAV J. JAMDAR, J.)

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