

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

INTERIM APPLICATION NO. 3487 OF 2025
IN
CRIMINAL APPEAL NO. 59 OF 2023

Dhanaji Lalaso Patole

...Applicant

Versus

State of Maharashtra
and anr

...Respondents

Mr. Amit Mane advocate for the applicant

Mr. N. B. Patil APP for the State

Mr. Sandeep Karnik advocate appointed through Legal Aid for
respondent no. 2

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th OCTOBER, 2025.

P.C.

1. Heard learned counsel for the applicant, learned APP and learned counsel for respondent no. 2. By this application, the applicant is seeking suspension of sentence imposed upon him by by Learned Additional Sessions Judge at Vaduj in Special POCSO Case No. 6 of 2017 whereby the applicant is convicted for offence punishable under Section 376(2)(j) of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for 10 years

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for both offences and fine of Rs. 20,000/-, Rs. 10,000/- for each offence and in default to to suffer simple imprisonment for 2 months and 1 month respectively by its Judgment dated 6th April 2022.

2. It is contention of learned counsel for applicant that there was love affair between the applicant and the victim. At the time of incident, the applicant was 19 years old whereas the victim was 16 and half years old. The applicant will complete more than half sentence on 15th October 2025 i.e. day after tomorrow. Hence, requested to allow the application.

3. It is contention of learned APP and learned counsel for respondent no. 2 that applicant sexually assaulted the victim who was 16 years and 6 months old. The applicant was aware about her age. The prosecution has proved the case beyond the reasonable doubt. If applicant is released on bail, he may abscond. Hence, requested to reject the application.

4. I have heard all learned counsels, perused the impugned Judgment and Order. The applicant has almost completed half of the sentence imposed on him. Since arrest, he is behind bar. At the time of incident, the applicant was 19 years old. Considering these facts, without touching the merit of the case and as the applicant has

undergone half of the sentence, 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 at Vaduj in Special POCSO Case No. 6 of 2017 vide Judgment and Order dated 06/04/2022 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 at Vaduj.
5. The application is disposed of in above terms.

(SHIVKUMAR DIGE, J.)