

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

INTERIM APPLICATION NO. 3575 OF 2025
IN
CRIMINAL APPEAL NO. 172 OF 2023

Sushant Alias Babalu Maruti Naik ...Applicant
Versus
The State of Maharashtra And Another ...Respondents

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Adv. Maitreya Shukla a/w Mr. Maruti Sarkar i/by Mr. Onkar Wable,
Advocate for the Applicant.

Mr. M.U. Rajput i/by Mr. Mhaske, Advocate for Respondent No.2.

Dr. A. A. Takalkar, APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.
DATE : 12th DECEMBER 2025

P.C.

1. By this Application, the applicant is seeking suspension of sentence and grant of bail.

2. It is contention of learned counsel for the Applicant that applicant was convicted by learned Extra Joint Additional Sessions Judge, Karad in Sessions Case No.60 of 2016 vide order dated 8th December, 2022 for the offence punishable under Section 363 of the Indian Penal Code and sentenced to suffer four years rigorous imprisonment and to pay fine of Rs.3,000/-, in default, to suffer

further one month of simple imprisonment. The applicant is also convicted under Section 366 of the Indian Penal Code and sentenced to suffer four years of rigorous imprisonment and to pay fine of Rs.4,000/-, in default, to suffer further one month of simple imprisonment. The applicant is also convicted under Section 376(2) (n) of the Indian Penal Code and sentenced to suffer ten years of rigorous imprisonment and to pay fine of Rs.5,000/- in default to suffer further one and half month of simple imprisonment. The applicant is also convicted under Section 6 of the Protection of Children From Sexual Offences Act, 2012 and sentenced to suffer twenty years of rigorous imprisonment and to pay fine of Rs.5,000/-, in default, to suffer further one and half month of simple imprisonment. The applicant is also convicted under Section 9 of the Prohibition of Child Marriage Act and sentenced to suffer one year of rigorous imprisonment and to pay fine of Rs.5,000/- in default to suffer further one and half month of simple imprisonment.

3. Learned counsel further submitted that the applicant is behind bar for more than three years. There was love affair between the applicant and the victim. The victim herself had eloped with the applicant. But these facts are not considered by the trial Court. The first informant has no objection to allow the application.

4. It is contention of learned counsel for first informant/Respondent No.2 that due to misunderstanding, the case was filed against the applicant. On instructions, it is submitted that the first informant has no objection to allow this application. Hence, requested to allow the applicant.

5. It is contention of learned APP that the applicant has been convicted on the basis of evidence produced on record. The first informant and victim have deposed against the applicant before the trial Court. So they cannot say that the case was filed due to misunderstanding. If applicant is released on bail, he may abscond and requested to reject the application.

6. I have heard all the learned counsels, perused the impugned Judgment and order. The victim in her cross examination has admitted that she had love affair with the applicant and she herself had gone with the applicant to Pune and stayed with him. But while awarding the punishment, this fact is not considered by the trial Court. The applicant is behind bar for more than three years. At the time of incident, the applicant was 24 years old. He is the 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 Extra Joint Additional Sessions Judge, Karad in Sessions Case No.60 of 2016 vide order dated 8th December, 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 learned Extra Joint Additional Sessions Judge, Karad.

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

(SHIVKUMAR DIGE, J.)