

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRI-INTERIM APPLICATION NO. 3581 OF 2025
IN
CRIMINAL APPEAL NO. 341 OF 2023

Sameer Babasaheb Mujawar ...Applicant
Versus
State Of Maharashtra And Another ...Respondents

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Mr. Kuldeep Nikam a/w Onkar Bajaj Advocate for the Applicant.
Mr. Veerdhawal Deshmukh Advocate for Respondent No. 2.
Mr. S. S. Chaudhari, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 15th DECEMBER, 2025

P.C.

1. By this Application, the Applicant is seeking suspension of sentence and bail during the pendency of Appeal filed by the Applicant.
2. The Applicant has been convicted by the Special Judge at Satara in Special Case (POCSO) No.31 of 2019 for the offence punishable under Section 8 and 6 of the Protection of Children from the Sexual Offences Act, 2012 (for short “POCSO Act”) and sentenced to suffer rigorous imprisonment for 20 years with fine of Rs.50,000/-.

3. It is the contention of learned counsel for the Applicant that the Applicant could not have been sentenced for 20 years rigorous imprisonment as offence was allegedly committed by him during the period from 2015 to 2017 and amendment for enhancing the sentence for 20 years imprisonment came in the year 2019. Learned counsel further submitted that the Applicant is behind bar more than 7 years. Hence, requested to allow the Application.

4. It is contention of learned APP along with Respondent No. 2 that the Applicant is convicted after considering the evidence produced on record. If the Applicant released on bail, he may abscond, hence, requested to reject the Application.

5. I have heard all the learned counsels. Perused the impugned judgment and order.

6. As per the prosecution's case, the alleged offence is committed during the period from 2015 to 2017. The FIR was lodged on 1st May, 2018. As per the offence registered against the Applicant, the minimum punishment is of 10 year imprisonment. The amendment for enhancing punishment from 10 years to 20 years came in the year 2019, but, this fact is not considered by the trial Court. This Court (Coram : Bharati Dangre, J.) while admitting the Appeal, has considered the same fact. The Applicant is behind bar more than 7

years. If minimum sentence of 10 years is considered, the Applicant has undergone half of the sentence. It may take time to dispose off the Appeal.

7. In view of above, the Applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the appeal, on the following terms and conditions.

ORDER

- i. The Applicant be enlarged on bail in Special Case (POCSO) No.31 of 2019 on furnishing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

8. Interim Application is allowed in the aforesaid terms and disposed off.

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

(SHIVKUMAR DIGE, J.)