

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

INTERIM APPLICATION NO.1318 OF 2024
IN
CRIMINAL APPEAL NO. 539 OF 2024

Vikas Bhanudas Pawar ...Applicant/Appellant
Versus
State of Maharashtra And Anr. ...Respondents

Mr. Shankar Katkar i/by Ms. Manisha Devkar for Applicant.

Ms. Ankita Nishad for Respondent No.2 Through V.C. (Appointed Advocate)

Mr. A. S. Shalgaonkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 9th SEPTEMBER 2025

P.C.

1. By this application, applicant seeking suspension of sentence imposed on him.

2. It is contention of learned counsel for applicant that applicant has been convicted by learned Additional Sessions Judge, Vaduj for the offences punishable under Sections 376 of the Indian Penal Code (for short "IPC") as well as under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act") and has sentenced to suffer rigorous imprisonment for

10 years and also to pay fine of Rs.25,000/- and in default of payment of fine, to undergo further one months rigorous imprisonment. Applicant also convicted for offence punishable under Section 363, 366 of IPC, and sentenced to suffer imprisonment for seven years and fine of Rs.10,000, in default simple imprisonment for another six months. Applicant also convicted for offence punishable under Section 3(1)(w)(i) of Scheduled Castes and Schedules Tribes (Prevention of Atrocity Act), 1989 (for short “SC/ST Act”) and sentenced to suffer rigorous imprisonment for five years and pay fine of Rs.10,000/-, in default simple imprisonment for another six months.

3. Learned counsel for applicant further submitted that applicant has undergone more than seven years. It may take time to conclude the trial. There are lacuna in evidence produced on record. Hence, requested to allow the application.

4. It is contention of learned APP along with learned counsel for Respondent No.2 that prosecution has proved the case beyond reasonable doubt before the trial Court. Accordingly, applicant has been convicted. If applicant is 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. Out of 10 years, applicant has undergone more than seven years. It may take time to conclude the trial. During trial, applicant was on bail. Considering these facts, I pass the following order:

ORDER

- i) The substantive sentence of imprisonment awarded to the applicant is hereby suspended pending disposal of the appeal, subject to the applicant furnishing a PR bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
 - ii) The bail bonds to be furnished before the learned Special Judge/Sessions Judge.
6. The Interim Application is allowed in the aforesaid terms and is accordingly disposed of.
7. Learned counsel for Respondent No.2 is appointed through legal-aid Panel. Appropriate fees/remuneration be given to them.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)