

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 315 OF 2025

IN

CRIMINAL APPEAL NO. 1030 OF 2021

Sagar Dipak Jagtap

.....Applicant

Vs.

The State of Maharashtra
and anr

.....Respondents

Mr. Shailesh Chavan with Mr. Ajinkya Sangitrao and Mr. Prathamesh Bankar for the appellants.

Mr. S. S. Chaudhari APP for the State

Mr. Irfan A. Shaikh through VC for respondent no. 2

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th SEPTEMBER 2025

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P.C.:

1. By this application, applicant is seeking suspension of sentence and grant of bail. Applicant is convicted for offence punishable under Section 376(2)(i) of Indian Penal Code, he is sentenced to suffer rigorous imprisonment for 10 years and to pay fine of Rs. 5000/- in default to suffer rigorous imprisonment for one year. For offence punishable under Section 506 of Indian

Penal Code, he is sentenced to suffer rigorous imprisonment for 2 years. For offence punishable under Section 4 of Protection of Children from Sexual Offences Act, 2012, he is sentenced to suffer rigorous imprisonment for 7 years and to pay fine of Rs. 5000/- in default to suffer rigorous imprisonment for 1 year. All the substantive sentences are directed to run concurrently.

2. It is the contention of learned counsel for applicant that applicant has undergone around 6 years and 10 months out of 10 years sentence. It may take time to conclude the appeal. Hence, requested to allow the application.

3. It is the contention of learned APP alongwith learned counsel for respondent no. 2 that applicant has been convicted on the basis of evidence produced on record. The charges against the applicant have been proved. If applicant is released on bail, he may abscond. Hence, requested to reject the application.

4. I have heard all the learned counsel, perused impugned Judgment and Order. Applicant has undergone more than half of the sentence imposed on him. Applicant is around 25 years

old. It may take time to dispose of the appeal.

5. Considering these facts, I pass following order:

ORDER

I. The substantive sentence of imprisonment awarded to the applicant by Ex. Jt. Additional Sessions Judge, Barshi in Special (POCSO) Case No. 48/2018 vide order dated 29/10/2021 is hereby suspended pending disposal of appeal.

II. 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.

III. The bail bonds to be furnished before the learned Ex. Jt. Addl. Sessions Judge, Barshi.

6. Interim application is disposed of.

[SHIVKUMAR DIGE, J.]