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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 2752 OF 2025  
IN  
CRIMINAL APPEAL NO. 1030 OF 2022**

Sadik @ Sangram Govind Shirtode .....Applicant

Vs.

The State of Maharashtra .....Respondents  
and anr

Mr. Dilip Bodake for the applicant  
Dr. Ashvini A. Takalkar APP for the State  
Mr. Mahindra Deshmukh for respondent no. 2

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 3<sup>rd</sup> SEPTEMBER 2025**

**PC.:**

1. Heard learned counsel for the applicant and learned APP
2. Learned counsel for respondent no. 2 tendered affidavit-in-reply which is taken on record.
3. By this application, applicant is seeking suspension of sentence imposed on the applicant by learned Additional Sessions Judge, Sangli, in Special Case (POCSO) No. 223 of 2020.

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4. It is the contention of learned counsel for applicant that victim herself had eloped with the applicant and had physical relation with the applicant. There was love affair between the applicant and victim. At the time of incident, victim was more than 17 years old whereas the applicant was 21 years old. The Trial Court has not considered the evidence produced on record properly and has convicted the applicant for 20 years rigorous imprisonment. Applicant has deposited fine amount before this Court. Applicant is behind the bar for more than three years. It may take time to dispose of the appeal. Applicant was sole earning member of his family. If he remains behind bar, it may affect livelihood of his family. Hence, requested to allow the application.

5. Learned APP strongly objected to allow the application on the ground that applicant had kidnapped the victim from her house and sexually assaulted her. Applicant was aware about the age of the victim as he is the relative of the victim. Hence, requested to reject the application.

6. Learned counsel for respondent no. 2 submits that respondent no. 2 has filed affidavit stating that he has no

objection to allow the application.

7. I have heard both learned counsel, perused impugned Judgment and Order passed by the learned Trial Court. It appears from the record that at the time of incident, victim was more than 17 years old. The Trial Court has acquitted the applicant from the charges of kidnapping. At the time of incident, applicant was 21 years old. Applicant is behind the bar for more than three years. He has been convicted for 20 years of rigorous imprisonment. It may take time to dispose of the appeal. Learned Trial Court has not considered the fact that at the time of incident, victim was more than 17 years old and accused was 21 years old and has not discussed about the defence of love affair taken by the learned counsel for the applicant.

8. Considering these facts, the sentence imposed on the applicant is suspended and I pass 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. 25,000/- with one or two sureties in the like amount.

II. The bail bonds to be furnished before the learned Sessions Judge, Sangli.

III. Applicant shall not leave India without permission of the Trial Court.

9. Interim Application is disposed of.

**[SHIVKUMAR DIGE, J.]**