

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

INTERIM APPLICATION NO.3618 OF 2025
IN
CRIMINAL APPEAL NO. 949 OF 2025

Rahul Mansing Chavan ...Applicant
Versus
The State of Maharashtra And Anr. ...Respondents

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Mr. Kuldeep U. Nikam, Advocate for the Applicant.

Mr. Akshay Subhash Jagtap, Advocate for Respondent No.2.

Mr. Anand S. Shalgaonkar APP for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 12th DECEMBER 2025

PC.

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 is convicted by learned Additional Sessions Judge, Sangli in Special Case (POCSO) No.148 of 2020 vide Judgment and order dated 08.10.2025 for the offence punishable under Section 363 of the Indian Penal Code and sentenced to suffer rigorous imprisonment (R.I.) for five years and to pay fine of Rs.5,000/-, in default, to suffer further simple imprisonment for two months. The applicant also

convicted under Section Section 376 of the Indian Penal Code and sentenced to suffer R.I. for ten years and to pay fine of Rs.10,000/-, in default, to suffer further simple imprisonment for four months. The applicant is also convicted under Section 504 of the Indian Penal Code and sentenced to suffer R.I. for one year and to pay fine of Rs.1,000/-, in default, to suffer further simple imprisonment for seven days. Learned counsel further submitted that at the time of incident the first informant was major. There was consensual relationship between them. But this fact is not considered by the trial Court. The first informant has no objection to allow this application. The applicant has undergone total sentence of imprisonment of more than one year and six months and requested to allow the Application.

3. It is contention of learned APP that the applicant has been convicted on the basis of evidence produced before the trial Court. If Applicant is released on bail, he may abscond and requested to reject the Application.

4. Learned counsel for the Respondent No.2 on instructions submits that the Respondent No.2 has no objection to allow the application. The Respondent No.2 is present in the Court.

5. I have heard all the learned counsels, perused the impugned judgment and order. From the evidence of the first informant, it

appears that the incident of sexual assault by applicant on her was on 22nd February, 2020 and pregnancy was detected on 16th June, 2020. Till then she did not disclose about the incident to anyone. At the time of incident, the first informant was major. For four months, she did not disclose about the sexual assault by the applicant, it shows that the said sexual assault was with consent, but this fact is not considered by the trial Court. The applicant has undergone more than one year and six months of imprisonment. 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 Additional Sessions Judge, Sangli in Special Case (POCSO) No.148 of 2020 vide Judgment and order dated 08.10.2025 is hereby suspended pending disposal of application.
- (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 Additional Sessions Judge, Sangli.

6. The Application is allowed in the aforesaid terms and is accordingly disposed off.

(SHIVKUMAR DIGE, J.)