

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3372 OF 2024  
IN  
CRIMINAL APPEAL NO. 914 OF 2024

Asit Ramjan Mujawar

...Applicant

Versus

State Of Maharashtra & Ors.

...Respondents

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Adv. Jayant Bardeskar a/w Adv. Nakul V. Shukla, for the Applicant.

Mr. B.B. Kulkarni, APP for Respondent No.1-State.

Adv. Nagesh Chavan, for the Respondent No. 2.

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CORAM: MADHAV J. JAMDAR, J.

DATED: 11 JULY 2025

P.C.:

**1.** Heard Mr. Jayant Bardeskar, learned Counsel appearing for the Applicant, Mr. B.B. Kulkarni, learned APP for the Respondent No.1-State and Mr. Nagesh Chavan, learned counsel appearing for the Respondent No. 2.

**2.** The relief sought in this Interim Application is the suspension of sentence and that the Applicant be released on bail during the pendency of the Criminal Appeal.

**3.** It is the submission of Mr. Bardeskar, learned counsel appearing for the Applicant that the relationship of the Applicant with the victim was consensual. He submits that the victim was at the relevant time of

about 17 years and she was fully understanding the consequences of her actions.

**4.** Mr. Bardeskar, learned counsel submits that there are various points raised in the Criminal Appeal. Apart from that, he submits that the Applicant will not enter District Sangli as the victim is staying in District Sangli. He states that the mother of the Applicant is staying at Kolhapur. He will stay with the mother at Kolhapur. He tenders affidavit dated 07<sup>th</sup> July 2023 of the Applicant - Asif Ramjan Mujawar. He therefore states that in the facts and circumstances, the Applicant be released on bail.

**5.** On the other hand, Mr. B.B. Kulkarni, learned APP and Mr. Nagesh Chavan, learned Counsel for the Respondent No. 2 strongly opposed this application. Both of them submitted that as the victim was minor her consent was inconsequential.

**6.** Perusal of the record shows that the FIR was registered on 09<sup>th</sup> September 2019 by the mother of the victim. On 11<sup>th</sup> September 2019 police arrested Accused No. 1 along with the victim while they were having breakfast at Swagat Hotel, Sangli. Although it is the case of the learned counsel appearing for the Applicant that relationship was consensual, however, at the relevant time, the victim was only 16 years and 11 months and therefore her consent, if any, is inconsequential.

**7.** It is required to be noted that the Applicant was released on bail

on 9<sup>th</sup> October 2019 and till date of conviction i.e. 29<sup>th</sup> April 2024, the Applicant was on bail. There is nothing on record to show that the Applicant has misused the said liberty.

**8.** By separate Order dated 11<sup>th</sup> July 2025, the Appeal has been admitted. There are arguable questions raised in the Criminal Appeal. However, final hearing of the Appeal will take considerable time. Thus, the case is made out for grant of bail.

**9.** Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:

**ORDER**

- (a) The sentence of imprisonment vide Judgment and Order dated 29<sup>th</sup> April 2024 passed by the learned Additional Sessions Judge, Sangli in Special Case (Atro) No.84 of 2019 is suspended as far as the Applicant is concerned during the pendency of Criminal Appeal No.914 of 2024 preferred by the Applicant and the Applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (b) The Applicant shall not enter District Sangli after released on Bail till disposal of the Appeal.
- (c) The Applicant shall report to the Rajwada Police Station,

District Kolhapur once in a week i.e. on Sunday between 11.00 am and 01:00 pm for a period of 6 months and thereafter once in a month i.e. on the first Sunday between 11:00 am and 01:00 pm;

- (d) On being release on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto;
- (e) The Applicant shall not contact the victim or any other witnesses in any manner.

**10.** Accordingly, the Interim Application is allowed in the aforesaid terms and disposed of.

[MADHAV J. JAMDAR, J.]