

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3712 OF 2024
IN
CRIMINAL APPEAL NO. 751 OF 2025**

Dattatray Posu Patil

...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Sachin Ramrao Pawar a/w Mr. Dewang Mhatre Advocate for the Applicant.

Ms. R. D. Humane, APP for the Respondent/State.

Ms. Juhi Kadu, Advocate for the Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 03.09.2025.

P.C. :

1. By this application, the applicant is seeking suspension of sentence and grant of bail during the pendency of the Criminal Appeal No. 751 of 2024 filed by him against the judgment and order dated 26.10.2020 passed by the Extra Joint District and Sessions Judge, Raigad-Alibag, in Special (POCSO) case No. 49 of 2020, by which the learned Extra Joint District and Sessions Judge has convicted the applicant for the offence punishable under Sections 376(2)(i) & 376(AB) of the Indian Penal Code and Section 5(m) of the Protection of Children from Sexual Offences (POCSO)

Act, 2012 and sentenced him to suffer rigorous imprisonment for 20 years.

2. I have heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the respondent No.2-victim.

3. The learned counsel for the applicant submits that the applicant has good case on merit. It is submitted that till date the applicant has undergone six years and eight months. It is submitted that the appeal is not likely to be taken up for final hearing in near future. It is thus submitted that the sentence be suspended and the applicant be released on bail.

4. On the other hand, the learned APP for the respondent-State and the learned counsel for the respondent No.2-victim submit that the applicant is convicted for the serious offence of penetrative sexual assault. It is submitted that at the relevant time the victim was four and half years old. It is thus submitted that the sentence may not be suspended.

5. The fact that the applicant has already undergone sentence of six years and eight months is not disputed. There are certain admissions in the cross-examination of the victim from which the possibility that she was tutored cannot be ruled out. In that view of the matter, I am inclined to suspend the sentence and release the applicant on bail. In the result, the following order is passed:

ORDER

- a] The Application is allowed.
- b] The substantive sentence imposed by the trial Court upon the applicant is hereby suspended. The Applicant shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- c] The Applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, during

the pendency of the present appeal.

d] The Applicant shall not enter into the limits of village Ranjankhar, Tal-Alibag. Dist-Raigad, till disposal of the appeal.

[N.R.BORKAR, J.]