

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4991 OF 2024
IN
CRIMINAL APPEAL NO.1278 OF 2024

Ruzan Sameer Pathan	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Pratik Kalantri a/w Mr. Mihir Kasliwal, Ms. Palak Kasliwal, Ms. Deepali Kasab, Ms. Renuka Shukla i/by Mr. Rahul Kasliwal for the Applicant.

Mr. Shrikant H. Yadav, APP, for the Respondent-State.

Mr. Mahesh Pawar i/by Mr. Prabhakar Shinde, Advocate for Respondent No.2.

API K.D. Korade, Nashik Road Police Station, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 4th July 2025

PC:-

1. Heard Mr. Pratik Kalantri, learned Counsel appearing for the Applicant, Mr. Mahesh Pawar, learned Counsel for the Respondent No.2 and the learned APP for the State.

2. It is the submission of Mr. Kalantri, learned Counsel for the Applicant that the Criminal Appeal is already admitted. He points out the oral evidence of PW-3 i.e. victim and submitted that the evidence shows that the relationship between the Applicant and

the victim was consensual. He further submits that in fact after the victim has become major, the Applicant has married with the victim on 18th October 2024 and the victim is presently staying with the in-laws at the Applicant's house.

3. In view of above submissions of the Appellant, learned APP sought time to file Affidavit-in-Reply.

4. Accordingly, Affidavit-in-Reply dated 1st July 2025 of Mr. Kiran Dnyandeo Korade, API, presently attached to Nashik Road Police Station has been filed.

5. The Police have recorded statement of the victim dated 29th June 2025. In her statement, she has recorded that after completion of 18 years age, she on her own and as per her own wish married the Applicant. The statement of father of the victim has also been recorded on 26th June 2025. In the statement of father of the victim also, it is confirmed that after the victim became major and after completion of 18 years of age, she married the Applicant and presently she is staying with Applicant's family.

6. It has been stated in the statement of the father of the victim that to ensure that the Applicant is not convicted, the Applicant has married the victim. However, the victim in her statement has categorically stated that after completion of 18 years of age, she has voluntarily married the Applicant. Even her deposition before the Court also shows that the relationship between the Applicant and the victim was consensual.

7. It is further relevant to note that the F.I.R. has been lodged on 2nd August 2021. The Applicant was arrested on 3rd August 2021 and he has been released on bail on 12th October 2021. He has been taken into custody on 18th November 2024 i.e. the day on which the impugned Judgment and Order has been passed.

8. The Criminal Appeal is already admitted. It will take considerable time for final hearing of the Appeal.

9. Accordingly, the case is made out for suspension of sentence during the pendency of Appeal. However, in the facts and circumstances, stringent conditions are required to be imposed. In view thereof, the following order:

ORDER

- (a) The sentence of imprisonment imposed vide Judgment and Order dated 18th November 2024 passed by the learned Additional Sessions Judge, Nashik in Session (POCSO) Case No.272 of 2021 is suspended during pendency of Criminal Appeal preferred by the Applicant and the Applicant is directed to be released on bail on executing PR Bond in the sum of Rs.1,00,000/- with one or more solvent sureties in the like amount;
- (b) The Applicant shall report to Nashik Road Police Station, Nashik twice in a week i.e. on Sunday and Wednesday between 11.00 am to 1.00 pm for six months and thereafter once in a week i.e. on Sunday between 11.00 am to 1.00 pm till disposal of the Criminal Appeal.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Trial Court and shall keep the same updated, in case of any change thereto;

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

[MADHAV J. JAMDAR, J.]