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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1168 OF 2025

IN

CRIMINAL APPEAL NO.172 OF 2023

Sushant @ Babalu Maruti Naik

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Onkar A. Wable a/w Mr. Swapnil & Abhijeet Khade, for the Applicant.

Mr. B. B. Kulkarni, APP, for the Respondent-State.

Ms. Prachi Tatke, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 16 JUNE 2025

PC:-

1. Heard Mr. Wable, learned Counsel for the Applicant, Mr. Kulkarni, learned APP for the Respondent No.1-State and Ms. Tatke, learned Counsel for the Respondent No.2.

2. The relief sought in the Interim Application is that the Applicant be enlarged on bail and sentence be suspended.

3. Mr. Wable, learned Counsel for the Applicant states that, in view of medical emergency, the Applicant be granted temporary

bail for a period of 3 months. He submits that the Applicant will file a fresh Application for suspension of sentence and bail.

4. In view of medical emergency as submitted by learned Counsel for the Applicant, the Applicant's Medical Report has been called from the Kolhapur Central Prison, Kolhapur. The said Medical Report dated 16th June 2025 of Medical Officer, Kolhapur Central Prison, Kolhapur records clinical diagnosis as "Bell's Palsy Right Side". The said Medical Report also states that the Applicant was admitted in Government CPR Hospital, Kolhapur during 31st May 2025 to 6th June 2025. Thereafter, he was sent for follow-up on 12th June 2025 and presently the Applicant is admitted in Prison Hospital, Kolhapur and he would be sent to the hospital for conducting Brain MRI, if necessary.

5. It is the contention of Mr. Wable, learned Counsel for the Applicant that if the Applicant gets treatment in private hospital the recovery would be better.

6. However, Mr. Kulkarni, learned APP and Ms. Prachi Tatke, learned Counsel for the Respondent No.2 submitted that the

Applicant has been convicted *inter alia* for serious offence under Section 376(2)(n) of the *Indian Penal Code, 1860* and Sections 3(a), 4(2) and 5(m) of the *Protection of Children from Sexual Offences Act, 2012* and the maximum sentence is 20 years. Both of them submit that the strict conditions are required to be imposed.

7. Mr. Wable, learned Counsel for the Applicant states that the Applicant will surrender to the Jail Authorities within the time stipulated by this Court and thereafter only fresh application seeking suspension of sentence and seeking bail will be filed.

8. Thus, in the facts and circumstances, the Applicant is granted temporary bail for a period of 3 months.

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

ORDER

- (a) The Applicant is released on temporary bail on exequing PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;

- (b) The Applicant is permitted to furnish cash bail surety for a period of 3 weeks, in lieu of surety;
- (c) The Applicant shall report to Karad City Police Station, Taluka-Karad, District-Satara once in 15 days. First such reporting shall be on 30th June 2025 between 11:00 am to 02:00 pm and thereafter the Applicant to report after 15 days till the Applicant's surrender to the Jail Authorities on 12th September 2025.
- (d) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Police Inspector of Karad Police Station, District-Satara and shall keep the same updated, in case of any change thereto;
- (e) The Applicant shall not contact the victim or her family members or any other witnesses in any manner;
- (f) The Applicant to surrender to the Jail Authorities on or before 12th September 2025.

10. Accordingly, the Interim Application is disposed of in above terms.

11. Liberty is granted to the Applicant to file fresh application seeking suspension of sentence and bail, after the Applicant surrenders to the Jail Authorities.

[MADHAV J. JAMDAR, J.]