

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

**CRIMINAL INTERIM APPLICATION NO. 1331 OF 2025
IN
CRIMINAL APPEAL NO. 340 OF 2025**

Santosh Maruti Kengle Applicant

Versus

The State of Maharashtra and Anr. Respondents

Mr. Adwait Bhonde, Advocate for the Applicant.

Ms. Poonam P. Bhosale, APP, for the Respondent – State.

Mr. Mahesh S. Pawar, PSI, Ghodegaon Police Station – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2025.

P.C. :

1. By this application, the Applicant is seeking suspension of sentence and bail during the pendency of appeal filed by the Applicant.

2. The Applicant has been convicted by the Special Judge, (Under POCSO Act) Khed-Rajgurunagar, Pune, for the offence under Section 235(2) of the Code of Criminal Procedure for committing offence punishable under Section 354-B and separate punishment is not awarded for this Section. The Applicant has been convicted

under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer Rigorous Imprisonment for three years and to pay a fine of Rs.5000/-. The Applicant has been convicted for the offence under 12 of the Protection of Children from Sexual Offences Act, 2012 and separate punishment is not awarded in this Section.

3. It is contention of learned counsel for the Applicant that the trial Court has granted bail and suspended his sentence till during the appeal period. During the trial, the Applicant was on bail and has not misused the liberty. Hence, requested to allow the application.

4. Learned APP for the Respondent – State strongly objected to allow the application.

5. I have heard both learned counsel.

6. The maximum sentence imposed on the Applicant is of three years. The trial Court has granted bail to the Applicant and suspended his sentence during the appeal period. During the trial, the Applicant was on bail and has not misused the liberty. It may take time to dispose of the appeal.

7. In view of the above, the Applicant's sentence is suspended

and he is enlarged on bail, pending the hearing and final disposal of the appeal, on the following terms and conditions:

ORDER

- i. The substantive sentence imposed on the Applicant in Special (POCSO) Case No.10 of 2017, in terms of order dated 6th March, 2025 passed by the learned Special Judge, (Under POCSO Act), Khed-Rajgurunagar, Pune, till final disposal of the appeal.
 - ii. The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
 - iii. The bail bond to be furnished before the trial Court.
 - . Criminal Interim Application stands disposed of.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)