

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 1713 OF 2025
IN
CRIMINAL APPEAL NO. 483 OF 2025

Mahesh Narayan Nazare

.... Applicant

Versus

The State of Maharashtra & Anr.

.... Respondents

Digitally
signed by
SHANTANU
SHANKARSA
DHUDUM
Date:
2025.05.07
17:25:59
+0530

Mr. Paras Yadav, Advocate for the Applicant.

Ms. Ranjana D. Humane, APP, for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th MAY, 2025.

P.C. :

1. This is an application for suspension of sentence and bail.
2. Heard learned counsel for the Applicant and learned APP for the State.
3. The Applicant has been convicted by the learned Special Judge (POCSO) Kolhapur, for the offence punishable under Section 235(2) of the Code of Criminal Procedure, for committing offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer Rigorous Imprisonment for three years and pay fine of Rs.5000/-. The Applicant has been convicted

for the offence punishable under Section 235(2) of the Code of Criminal Procedure, for committing offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer Rigorous Imprisonment for one year and pay fine of Rs.5000/-. The learned Special Judge (POCSO), has suspended the sentence during the appeal period and has granted interim bail to the Applicant.

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

5. The learned APP for the Respondent – State strongly objected to allow the application.

6. I have heard both learned counsel.

7. 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 liberty. It may take time to dispose of the appeal.

8. 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 Case Child. Prot. No.104/2019, in terms of order dated 23rd April, 2025 passed by the learned Special Judge (POCSO), Kolhapur, 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.
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)