

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

**INTERIM APPLICATION NO. 2379 OF 2025
IN
CRIMINAL APPEAL NO. 681 OF 2025**

Kundalik Baburao Jadhav

...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Aniket U. Nikam, Advocate for the Applicant.

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

Ms. Tahera Qureshi, Advocate for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 02.09.2025.

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. 681 of 2025 filed by him against the judgment and order dated 18.06.2025 passed by the Additional Sessions Judge, Baramati, in Special Case No. 111 of 2020, by which the learned Additional Sessions Judge has convicted the applicant for the offences punishable under Sections 376(2)(i)(j), 376(3) and 506 of the Indian Penal Code and under Sections 4(2) read with 3(b) and Section 8 read with Section 7 of the Protection of Children from

Sexual Offences Act, 2012 ('POCSO Act') and sentenced him to suffer rigorous imprisonment ranging from 2 years to 20 years.

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

3. The learned counsel for the applicant has drawn my attention to the evidence of the victim. It is submitted that the conduct of the victim is not natural. It is submitted that the victim declined to undergo a medical examination. It is submitted that the applicant was on bail during trial. The learned counsel further submits that the applicant is aged about 77 years and the appeal is not likely to be taken up for final hearing in near future.

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 serious offence of penetrative sexual assault. It is submitted that at the relevant time the victim was 13 years old. Learned APP for the respondent-State and the learned counsel for the respondent No.2-victim submit that considering the nature of crime the sentence may not be suspended and the applicant may not be released on bail.

5. I have perused the evidence of the victim. *Prima-facie*, there appears to be substance in the submission of the learned counsel for the applicant in respect of the conduct of the victim. The applicant is 77 years old and was on bail during the trial. Considering the overall facts and circumstances of the case, 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 not enter into the limits of village Naroli, Tal. Baramati, Dist-Pune for a period of one year.

[N.R.BORKAR, J.]