

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2505 OF 2025
IN
CRIMINAL APPEAL NO.981 OF 2025

Shankar Babu Kunchikurve Applicant

V/s.

The State Of Maharashtra And Anr Respondents

Ms.Sana Shaikh a/w Ms.Nisha Lakariya, Ms.Maya Updesha,
Mr.Pratik Thadani, Mr.Vipul Ghate, Ms.Rucha Shiakh, for the
Applicants.

Mr.A.S. Gawai, APP, for Respondent No.1 -State.

Ms.Komal Sinha, for Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 25th NOVEMBER 2025

P.C:-

. This Application is for suspension of substantive sentences and enlargement of the Appellants/Applicants on bail, in connection with the judgment and order dated 31st March 2023 passed in POSCO Case No.477 of 2019, whereby the Appellant/Applicant is convicted for the offences punishable under Section 6 of Protection of Children from

Sexual Offences Act, 2012 ('POCSO' for short) and sentences to suffer RI for 10 years with fine.

2. The learned counsel for the Appellant submits that, from the evidence on record it can be *prima faice* seen that, this is a case of love affair between the victim and the Appellant/Applicant. It is also contended that, the victim was of sufficient mature age. It is argued that, having regard to the fact that, the appeal is not likely to be heard in short period of time, the Appeal shall become infructuous, if the Appellant/Applicant is not entitled for bail.

3. The learned counsel for Respondent No.2 as well as APP opposed the Application on the ground that the victim was minor and their consent was immaterial at this stage Court is required to see there would be success of the Appellant/Applicant in this case. Even, as per the case of the prosecution the victim was aged about 17 years and she consented for the physical relations with the Appellant-Accused. Having regard to the *prima facie* consideration material on record the Appellant would have a reasonable case

of success in taking exception to the evidence led by the prosecution before the Trial Court during hearing of Appeal. Since, the appeal is not likely to be heard in the short period of time. This is a fit case for enlargement of the Appellant-Accused on bail.

4. In view of the above, the Application is allowed.

ORDER

(i) The substantive sentence imposed against the Appellant-Accused by judgment and order dated 31st March 2023 passed in Special POSCO Case No.477 of 2019 stands suspended till the decision of the Appeal.

(ii) The Appellant-Shankar Babu Kunchikurve, be released on bail on furnishing a P.R. Bond of Rs.15,000/- with one surety in the like amount.

(ii) Bail before the Trial Court.

(R.M. JOSHI, J.)