

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3299 of 2025
in
CRIMINAL APPEAL NO. 963 OF 2025

Dadasaheb Bapurao Kolhe

... Applicant/
Appellant

Versus

The State of Maharashtra & Ors.

... Respondent

Mr. Prashant Darandale i/b. Mr. Bajrang M. Solanke, Advocate for the Applicant/Appellant.

Mr. Ashok Gawai, APP for Respondent No.1-State.

Mr. Gawankar, Advocate for Respondent Nos.2 and 3.

CORAM : R. M. JOSHI, J.

DATED : 20th NOVEMBER, 2025.

P.C. :

1. The appeal is on board. Interim application is not on board. By consent of both sides, it is taken on board.
2. This application is for suspension of sentence and enlargement of the applicant/appellant on bail in connection with the judgment and order dated 12th June 2025 passed in Special Case No.641 of 2022, whereby the appellant was sentenced to suffer 5 (five years) imprisonment with fine.
3. At the outset, learned counsel for the applicant/appellant submits that the applicant has undergone more than half of the sentence. On merit, it is his submission that there is inconsistency in the testimony of the victim and her mother i.e. the informant and that the appellant has reasonable chance of success in the appeal.

4. Learned counsel for respondent No.2 and learned APP opposed the application by citing the seriousness of the crime.
5. There is no dispute about the fact that out of five years of sentence, the appellant has already undergone 3 ½ years of the sentence. Prima facie it cannot be said that there are no inconsistencies in the statement of the victim and her mother i.e. informant. In such case, the appellant may have a reasonable chance of success in the appeal.
6. Learned counsel for the applicant/appellant makes statement about appellant not entering the local jurisdiction of Pimpri Police Station. This will take care of the apprehension of the victim, if any.
7. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) Substantive sentence imposed against the appellant in judgment and order dated 12th June 2025 passed in Special Case No.641 of 2022 passed by the Special Judge (Under POCSO Act) and Additional Sessions Judge, Pune, stands suspended till the decision of appeal.
- (iii) The appellant be enlarged on bail on furnishing P.R.Bond of Rs.15,000/- each with one solvent surety in the like amount to the satisfaction of the Trial Court.

The interim application stands disposed of in above terms.

8. It is clarified that above observations are made on prima facie consideration of the material on record and the same shall not bind the parties during the final hearing of the appeal.

(R. M. JOSHI, J.)