

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

Interim Application No. 4026 of 2025

In

Criminal Appeal No. 1067 of 2025

Bablubabu Sudama Singh
Age 31 years, Oc: Self Employed,
Residing at Room No.16, Satyam
Chawl, KD Compound,
Lalipada, Kandivali (West),
Mumbai – 400 067.

... Applicant

versus

1. The State of Maharashtra

Through Sr Inspector of Police,
Kandivali Police Station, SV Road,
Kandivali West,
Mumbai – 400 067.

2. ABC (Victim)

Through Sr Inspector of Police,
Kandivali Police Station, SV Road,
Kandivali West,
Mumbai – 400 067

... Respondents

Mr Manoj Kumar Singh, a/w Ms Anjali Tripathi and Mr Puneet
S Shukla, i/by MKS Legal Associates, for the
applicant/appellant.

Mr BB Kulkarni, APP, for the respondent/ State.

Mr Chetan Alai, appointed for respondent No.2.
PSI Shintre, Kandivali Police Station, Mumbai.

Coram: R.N. Laddha, J.

Date: 12 November 2025.

P.C.:

The learned APP informs the Court that the notice has been served upon respondent No.2 and she seeks legal aid assistance. Mr Chetan Alai, present in the Court, is appointed to espouse the cause of respondent No.2.

2. The applicant faced trial in Special POCSO Case No.533 of 2018 before the Court of Sessions, Borivali Division, Dindoshi, Mumbai, for offences punishable under 354, 452, 323, 504 and 506 of the Indian Penal Code ('IPC') and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act'). By the judgment and order dated 4 October 2025, the applicant was acquitted of the offences punishable under Sections 504 and 506 of the IPC and Sections 8 and 12 of the POCSO Act and convicted for the offences punishable under Sections 323, 354 and 452 of the IPC. He was sentenced as follows: (i) to pay a fine of Rs.1,000/-, with default stipulations, for the offence punishable under Section 323 of the IPC, (ii) to suffer simple imprisonment of one year

and pay a fine of Rs.10,000/-, with default stipulations, for the offence punishable under Section 354 of the IPC, (iii) to suffer simple imprisonment of six months and pay a fine of Rs.1,000/-, with default stipulations, for the offence punishable under Section 452 of the IPC. These sentences were directed to run concurrently.

3. Dissatisfied, the applicant preferred an appeal before this Court and, by the present application, seeks suspension of the sentence and release on bail.

4. The learned Counsel appearing on behalf of the applicant points out the alleged shortcomings in the prosecution's case and contends that the testimonies of the prosecution witnesses lack credibility and fail to inspire confidence. It is further submitted that out of the one-year sentence, the applicant has already undergone imprisonment for about two months and twenty-one days, and the applicant was on bail during the pendency of the trial. The learned Counsel also submits that the applicant is prepared to comply with any conditions this Court may impose and cooperate fully with the appeal proceedings.

5. The learned Additional Public Prosecutor representing respondent No.1/ State and the learned Counsel appearing for respondent No.2, opposing the applicant's request and

referring to the seriousness of the charge under which the applicant is convicted, jointly submit that the evidence on record strongly supports the prosecution's case and does not warrant suspension of the sentence and the applicant's release on bail.

6. This Court has given anxious consideration to the rival contentions.

7. In *Bhagwan Rama Shinde Gosai Vs State of Gujarat*, (1999) 4 SCC 421, the Hon'ble Supreme Court observed as follows:

"3. When a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances. Of course, if there is any statutory restriction against suspension of sentence it is a different matter. Similarly, when the sentence is life imprisonment the consideration for suspension of sentence could be of a different approach. But if for any reason the sentence of a limited duration cannot be suspended every endeavour should be made to dispose of the appeal on merits more so when a motion for expeditious hearing of the appeal is made in such cases. Otherwise

the very valuable right of appeal would be an exercise in futility by efflux of time. When the appellate court finds that due to practical reasons such appeals cannot be disposed of expeditiously the appellate court must bestow special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. Of course, appellate courts can impose similar conditions when bail is granted.”

8. In the present case, the alleged incident occurred in October 2018. While this Court acknowledges the arguments presented by the learned APP and the learned Counsel for respondent No.2 regarding the gravity of the offence and the post-conviction stage of the proceedings, it is essential to recognise that the sentence imposed upon the applicant is a short one. The applicant has been in custody for over two months out of the one-year term. Furthermore, the applicant was on bail during the pendency of the trial. Given that the appeal was filed in 2025 and is unlikely to be heard immediately due to the pendency of the older appeals, a case is made out to grant the applicant the relief of suspension of sentence pending the appeal. In these circumstances, the applicant is entitled to be released on bail. Hence, the following order:

ORDER

- (i) The sentence imposed upon the applicant vide judgment and order dated 4 October 2025 passed by the Court of Sessions, Borivali Division, Dindoshi, Mumbai, in Special POCSO Case No.533 of 2018, stands suspended during the pendency of the appeal, and the applicant shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall not contact the victim or her family members in any manner whatsoever.
- (iii) The applicant shall keep the investigating officer informed and updated about his contact number and address.

9. The interim application stands disposed of accordingly.

[R.N. Laddha, J.]