

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

Interim Application No.4142 of 2025

In

Criminal Appeal No.1084 of 2025

Sangita Manohar Ahire

Age: 50 years, Occ: Household

R/o: A/p. Vitave, Taluka Chandwad,

District: Nashik

... Applicant

versus

1. The State of Maharashtra

(Through Chandwad Police Station,
Nashik)

2. A.B.C.

Age: 17 years, Occ: Education

Through Chandwad Police Station

District: Nashik

... Respondents

Mr Dheeraj Patil, for the applicant.

Mr Arfan Sait, APP, for respondent No.1/ State.

Mr Namitkumar S Pansare, i/b Mr Rushikesh Kale, for
respondent No.2.

Coram: R.N. Laddha, J.

Date: 12 December 2025.

P.C.:

Heard Mr Dheeraj Patil, the learned Counsel for the
applicant, Mr Arfan Sait, the learned Additional Public
Prosecutor representing respondent No.1/ State, and Mr
Namitkumar Pansare, the learned Counsel appearing on behalf

of respondent No.2/ victim.

2. The applicant (accused No.3) faced trial in Special POCSO Case No.32 of 2025 before the Court of Special Judge and Additional Sessions Judge, at Niphad, Nashik, for offences punishable under Sections 64(2)(i), 64(2)(m), 65(1), 70(2), 99, 127(2), 115(2), 118(1), 351(2), 352, and 49 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS'); Sections 4, 6, 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO'); and Sections 3(1)(w)(i), 3(1)(w)(ii), and 3(2) (va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('Atrocities Act').

3. By a judgment and order dated 15 October 2025, while the applicant was acquitted of other offences, the applicant stood convicted for offences punishable under Sections 118(1) and 127(2) of the BNS. The applicant was sentenced as follows: (i) to undergo rigorous imprisonment for three years and pay a fine of Rs.10,000/- (with default stipulations) for the offence punishable under Section 118(1) of the BNS, and (ii) to undergo rigorous imprisonment for one year and pay a fine of Rs.5,000/- (with default stipulations) for the offence punishable under Section 127(2) of the BNS. These sentences were directed to run concurrently.

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

5. The learned Counsel appearing on behalf of the applicant, highlighting the alleged shortcomings in the prosecution's case, contends that the testimony of the prosecution witnesses lacks credibility and fails to inspire confidence. It is submitted that since the applicant was on bail throughout the trial, she should receive the same treatment during the pendency of the appeal. The applicant has been in custody for more than nine months of the three-year term and is willing to cooperate fully with the appeal proceedings, and prays for her release on bail pending the outcome of the appeal.

6. The learned Additional Public Prosecution representing respondent No.1/ State and the learned Counsel appearing on behalf of respondent No.2/ the victim, opposing the applicant's request, jointly refer to the seriousness of the charge on which the applicant has been convicted and argued that the evidence on record strongly supports the prosecution's case and does not warrant the grant of bail.

7. This Court has given anxious consideration to the rival contentions and perused the records.

8. It is a well-settled position in law that the appellate Court can leniently consider a convict's request for suspension of the sentence in cases where the term of the sentence is fixed except in exceptional circumstances or where restrictions under any statute apply. If the sentence imposed cannot be suspended, the appellate Court must endeavour to adjudicate the appeal on merits, especially in cases where there is a plea for expeditious resolution. Failing to do so could jeopardise the appellant's statutory rights due to the passage of time. In situations where the appellate Court recognises that practical circumstances may hinder the prompt resolution of the appeal, it becomes essential for the Court to exercise heightened diligence in deliberating on sentence suspension. This ensures that the appeal process remains viable, meaningful, and effective. Additionally, when granting bail, the appellate Court has the discretion to impose certain conditions. A profitable reference in this regard can be made to the decision in *Bhagwan Rama Shinde Gosai v. State of Gujarat*, (1999) 4 SCC 421.

9. It appears that the sentence imposed upon the applicant is a short one. While this Court acknowledges the arguments

presented by the learned APP and the learned Counsel for respondent No.2 regarding the seriousness of the offence and the current post-conviction stage of the proceedings, it is essential to recognise that the applicant has already served more than nine months out of the total sentence of three years. The appeal has been filed in 2025 and is unlikely to be heard immediately due to the pendency of the older appeals. Moreover, there are no circumstances or any statutory prohibition that warrant the refusal of the relief of suspension of the sentence to the applicant. In these circumstances, a case is made out for suspension of the sentence and release on bail during the pendency of the appeal. Hence, the following order:

ORDER

- (i) The sentence imposed upon the applicant vide judgment and order dated 15 October 2025, passed by the Court of Special Judge and Additional Sessions Judge, at Niphad, Nashik, in Special POCSO Case No.32 of 2025, stands suspended during the pendency of the appeal.
- (ii) 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.

10. The interim application stands disposed of
accordingly.

(R.N. Laddha, J.)