



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APPA) No. 573 of 2025

in

Criminal Appeal No. 323 of 2025

Sanjay Shamrao Yuvante

Versus

State of Maharashtra through District Government Pleader, Warud, Dist.
Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.I.Ghatte, Advocate for the appellant.

Ms. S.N.Thakur, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 16th OCTOBER, 2025.

The present application is filed by the applicant under Section 430 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* seeking suspension of sentence and grant of bail, pending final disposal of the criminal appeal.

2. The applicant has preferred an appeal challenging the judgment and order of conviction dated 17th May, 2025, passed by the learned District Judge-1 and Additional Session Judge, Warud, Dist. Amravati in Special Case No. 135 of 2023. By the said judgment, the applicant has been convicted for the offence punishable

under Section 4 of Protection of Children from Sexual Offences Act, 2012 and under Sub Section 1 of Section 376 of the *Indian Penal Code* and sentenced to undergo simple imprisonment for a period of seven years and to pay a fine of ₹5,000/-, in default whereof, to further undergo simple imprisonment for a period of three months.

3. Heard learned counsel for the applicant and learned Additional Public Prosecutor for the State.

4. The applicant has filed the present application seeking suspension of sentence and release on bail during the pendency of the appeal. It is submitted by learned counsel for the applicant that the victim, aged 16 years and 4 months at the time of the incident, had allegedly accompanied the applicant voluntarily and remained in his company from 12.11.2015 to 02.03.2016, during which time they travelled to Karnataka and subsequently to Gujarat. It is further submitted that the victim had telephonically contacted her mother from Gujarat, informing her of her whereabouts.

5. It is contended that the conduct of the victim, coupled with certain contradictions and omissions in her statement, suggests that she had willingly left her home and was not subjected to

coercion or force. Learned counsel further submits that the applicant was on bail throughout the trial, did not misuse the liberty granted, and the sentence imposed is of short duration. It is further urged that the applicant has a *prima facie* arguable case and a fair chance of succeeding in the appeal. Given the current docket, it is unlikely that the appeal will be heard in the near future. The applicant undertakes to comply with any conditions that may be imposed by this Court.

6. The application is vehemently opposed by the learned Additional Public Prosecutor. It is submitted that the question of consent does not arise in law as the victim was below 18 years of age, and hence, the offence is complete regardless of voluntariness. It is further contended that there is a possibility of the applicant influencing or intimidating prosecution witnesses, and therefore, the application deserves to be rejected.

7. Upon considering the rival submissions, the material on record, the nature of the offence, the fact that the applicant was on bail during trial and did not breach any conditions, and considering that the appeal is not likely to be taken up for final hearing in the immediate future, this Court is of the considered opinion that a case for suspension of sentence pending appeal is made out.

8. The substantive sentence imposed upon the applicant by the learned District Judge-1 and Additional Session Judge, Warud, Dist. Amravati in Special Case No. 135 of 2023, is hereby suspended pending final disposal of the appeal.

The applicant shall be released on bail on the following conditions:

- i) The applicant shall execute a Personal Recognizance Bond in the sum of ₹15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount, to the satisfaction of the Trial Court.
- ii) The applicant shall report before the Trial Court on the 1st day of every calendar month until further orders.
- iii) The applicant shall furnish his current residential address and mobile number to the concerned Sessions Court and shall inform the Court of any change in address or contact details forthwith.
- iv) It is clarified that the learned Additional Public Prosecutor and/or the Investigating Officer shall be at liberty to move for cancellation of bail in the event

of breach of any of the aforementioned conditions or for any other sufficient cause.

The criminal application stands disposed of accordingly.

[NIVEDITA P. MEHTA, J.]