



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APPA) NO. 767 OF 2025

IN

CRIMINAL APPEAL NO. 250 OF 2024

(Mangesh s/o Shriram Kavatkar ..vs.. State of Maharashtra, through PSO, PS Digras and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Ajay Londhe, Counsel for the applicant/appellant,
Mr. Amit Chutke, Addl.P.P. for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 13-10-2025

The applicant/appellant has assailed the judgment and order dated 09-02-2024 passed by the learned Special Judge, Darwha in Special Case No. 12/2021 whereby the appellant is convicted under section 363 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

2. The applicant has filed the present application for suspension of sentence during pendency of the appeal. It is his contention that the victim was aged 17 years and 9 months and 9 days at the time of incident dated 21-10-2020. He submits that the victim was a married woman and her husband Pradip Khode had filed a missing report. It is his contention that the victim accompanied the applicant and resided with him for two months. On 24-12-2020 the victim returned to village Digras along with the applicant. When the applicant refused to marry her, the victim lodged the report on 26-12-2020 alleging that

the applicant has sexually exploited her on the promise of marriage.

3. The applicant is arrested on 26-12-2020 and was released on bail on 10-02-2021 by the Court below. Moreover, during the trial, he was on bail. It is further contention of the learned Counsel for the applicant that a bare perusal of the testimony of the victim would reveal that the allegations made are full of variance. He further submits that the applicant has an arguable case and there are chances of succeeding in appeal and the appeal is likely to take time for final hearing. He also urged that the applicant undertakes to comply with any of the conditions imposed by this Court.

4. The application is opposed by the learned Additional Public Prosecutor who submits that the prosecution has proved its case beyond reasonable doubt and there are no infirmities in the deposition of the victim. Further, if the applicant is released on bail, possibility of the applicant influencing for testimonies of the prosecution witnesses cannot be ruled out.

5. Upon considering the rival submissions, testimonies of the prosecution witnesses, nature of the offence and the fact that the applicant was on bail during trial, this Court is of the considered view that the case for suspension of sentence is made out.

6. Accordingly, the application is allowed. The sentence of conviction passed by the learned Special Judge, Darwha in

Special Case No. 12/2021 vide judgment and order dated 09-02-2025 convicting the applicant for the offence punishable under Section 363 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act is hereby suspended during pendency of the appeal.

The applicant shall be released on bail on his furnishing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount.

The applicant shall report before the trial Court on Tuesday of every calendar month until further orders.

The applicant shall furnish his current address and mobile number to the trial Court and shall inform the trial Court if any change in the address and mobile number.

It is further clarified that the learned Additional Public Prosecutor or the Investigating Officer is at liberty to seek cancellation of bail if any of the conditions is breached or for any other sufficient cause.

7. The application stands disposed of accordingly.

(NIVEDITA P. MEHTA, J.)

adgokar