



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

CRIMINAL APPLICATION (APPA) NO. 835 OF 2025

IN

CRIMINAL APPEAL NO. 492 OF 2025

(Mangesh Maroti Kodape and another ..vs.. State of Maharashtra, through PSO, PS Hinganghat,
District Wardha)

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

Court's or Judge's orders

Mr. S.N. Singh, Advocate for the appellants,
Mr. S.S. Hulke, Addl.P.P. for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 06-10-2025

The applicants/appellants have filed the appeal challenging the judgment and order dated 05-08-2025 passed by the learned Special Judge (POCSO) (Court No.1), Hinganghat in Special Case No. 25/2018, convicting them as under :

“The accused 1) Mangesh Maroti Kodape and 2) Rahul Ajabrao Uike are convicted under section 235(2) of the Code of Criminal Procedure for offence under section 341 of Indian Penal Code. For the same, each one of them is sentenced to undergo simple imprisonment for one month and pay fine of Rs. 500/- (Rs. Five hundred only). In default of payment of fine accused shall undergo simple imprisonment for one week.

2] The accused 1) Mangesh Maroti Kodape is convicted under section 235(2) of the Code of Criminal Procedure for the offence punishable under section 354-A (1) (i) of the Indian Penal Code. The accused no.2) Rahul Ajabrao Uike is convicted under section 235(2) of the Code of Criminal Procedure for offence under section 354-A (1) (i) r/w section 109 of the Indian Penal Code.

3] Accused 1) Mangesh Maroti Kodape is convicted under section 235(2) of Criminal Procedure Code for offence

under section 7 punishable under section 8 of Protection of Children from Sexual Offences Act, 2012. For the same, he is sentenced to undergo rigorous imprisonment for five years and pay fine of Rs.5,000/- (Rs. Five Thousand only). In default of payment of fine, he shall undergo rigorous imprisonment for six months.

4] Accused no.2 Rahul Ajabrao Uike is convicted under section 235 (2) of Cr.Pc. for offence under section 7 punishable under section 8 read with section 16 of Protection of Children from Sexual Offences Act, 2012. For the same, he is sentenced to undergo rigorous imprisonment for five years and pay fine of Rs.5,000/- (Rs. Five Thousand only). In default of payment of fine, he shall undergo rigorous imprisonment for six months.

5] Accused no.1 Mangesh Maroti Kodape and 2) Rahul Ajabrao Uike are convicted under section 235(2) of Cr.Pc. for the offence punishable under section 354D of Indian Penal Code.

6] Accused no.1 Mangesh Maroti Kodape and 2) Rahul Ajabrao Uike are convicted under section 235(2) of Cr.Pc. for the offence punishable under section 11 (iv) punishable under section 12 of Protection of Children from Sexual Offences Act, 2012.

7] For the offence under section 11(iv) punishable under section 12 of Protection of Children from Sexual Offences Act, 2012, both accused shall undergo rigorous imprisonment for three years and shall also pay fine of Rs.5,000/- each (Rs. Five thousand only). In default of payment of fine, accused shall undergo rigorous imprisonment for six months.

8] Accused No.1) Mangesh Maroti Kodape is convicted under section 235 (2) of Cr.Pc. for the offence punishable under section 506 of Indian Penal Code.

9] Accused no.1) Mangesh Maroti Kodape shall undergo rigorous imprisonment for one year and pay fine of Rs.1000/- (Rs. One thousand only). In default of payment of fine, accused shall undergo rigorous imprisonment for

eight days.

10] Accused No.1) Mangesh Maroti Kodape is convicted under section 235 (2) of Cr.Pc. for the offence punishable under section 323 of Indian Penal Code.

11] For the offence punishable under section 323 of Indian Penal Code, accused Mangesh Maroti Kodape shall undergo rigorous imprisonment for six months and pay fine of Rs.1000/- (Rs. One thousand only). In default of payment of fine accused shall undergo rigorous imprisonment for eight days.”

2. The applicants have preferred this application under 389 of the Code of Criminal Procedure read with Section 430(1) of the Bhartiya Nagarik Suraksha Sanhita, 2023 for suspension of the sentence and bail during pendency of the appeal.

3. The learned Advocate for the applicants submits that the applicants were on bail during the trial. He also submits that the appellants have been convicted for five years and looking to the pendency of the matters, there is no possibility of the appeal being taken for final hearing in near future.

4. The learned Additional Public Prosecutor has strongly opposed the application and submits that if the applicants are released on bail by suspending the sentence during pendency of the appeal, they will tamper with the prosecution evidence and witnesses.

5. After considering the submissions of both the parties, the nature of offence, the short term of punishment, the fact that the

applicants were on bail during the trial where there is no report of misuse of the bail conditions and the appeal is likely to take time for final hearing, this Court is of the opinion that it is a fit case to suspend the sentence during pendency of the appeal. Accordingly, the sentence imposed on the applicants is suspended during pendency of the appeal, on the applicants furnishing a solvent surety of Rs.15,000/- (Rupees Twenty Thousand) each and P.R. Bond in the like amount. The applicants shall attend the Trial Court on every Monday of the first week of each month till decision of the present appeal. The applicants shall furnish their address proof and mobile numbers to the trial Court.

6. The application is disposed of accordingly.

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Heard.

2. **Admit.**

3. The learned Additional Public Prosecutor waives service of notice for the respondent/State.

4. Call for record and proceedings.

5. The matter may be sent for preparation of the paper-book.

(NIVEDITA P. MEHTA, J.)