



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

CRIMINAL APPLICATION (APPA) NO.896/2025

IN

CRIMINAL APPEAL NO. 529/2025

**Vinod Nirakar Dongare Vs. State of Maharashtra Through Police
Station Officer, PS Lohara, District Yavatmal**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Ms. Gulafshan Ansari, Adv. h/f Mr. M.N. Ali, Advocate for Appellant
Ms. S.N. Thakur, APP for Respondent

CORAM: NIVEDITA P. MEHTA, J.

DATED : 17th OCTOBER, 2025

1. The present application is preferred under Section 430(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023, seeking suspension of sentence and enlargement on bail pending the final disposal of the appeal.

2. The applicant stands convicted by the learned Special Judge, Yavatmal, in Special Case No. 98/2021, vide judgment and order dated 22.09.2025, for the following offences:

Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act): Sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs. 30,000/-, and in default of payment of fine, to undergo further rigorous imprisonment for one year.

Section 354 of the Indian Penal Code (IPC): No separate sentence awarded, in view of the provisions of Section 42 of the POCSO Act.

Section 323 of IPC: Sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs. 5,000/-, and in default of payment, to undergo further rigorous imprisonment for one month.

Section 504 of IPC: Sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs. 5,000/-, and in default of payment, to undergo further imprisonment for one month.

3. Learned counsel for the applicant submits that the complaint filed by the daughter of non-applicant No.2 is motivated and aimed at settling personal scores. It is alleged that the victim's mother, a widow, had a prior association with non-applicant No.1 – Vinod Dongare, which has led to animosity. The complainant, in her own statement, has allegedly admitted that she would take any step to remove non-applicant No.1 from their lives. Counsel further submits that there are several contradictions and omissions in the complainant's statement, which are not corroborated by other prosecution witnesses. It is further submitted that the applicant was on bail during trial and has not misused the liberty granted. Counsel also contends that there is a reasonable likelihood of success in the appeal.

4. Per contra, the learned APP for the State has strongly opposed the application, submitting that release of the applicant on bail may lead to tampering with prosecution witnesses and evidence. It is further argued that the victim was subjected to physical assault by both accused persons merely on suspicion, which reflects the gravity of the offence and the inhuman manner in which the assault was carried out. Accordingly, it is urged that the application be rejected.

5. Upon considering the rival submissions, the nature of the offences, the sentence imposed, and the fact that the appeal is not likely to be heard in the near future, this Court is of the considered opinion that a case for suspension of sentence is made out.

6. Accordingly, the application is allowed. The substantive sentence imposed upon the applicant in Special Case No. 98/2021 by the learned Special Judge, Yavatmal, is hereby suspended pending final disposal of the appeal. The applicant shall be released on bail subject to the following conditions:

- i. The applicant shall execute a Personal Bond of Rs. 20,000/- (Rupees Twenty Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court.
- ii. The applicant shall report to the trial Court on the first Wednesday of every calendar month, until further orders.

iii. The applicant shall furnish his current residential address and mobile number to the concerned trial Court and shall intimate the Court forthwith in the event of any change in address or contact details.

The Criminal Application stands disposed of accordingly.

CRIMINAL APPEAL NO. 529/2025

ADMIT.

Call R & P.

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

(NIVEDITA P. MEHTA, J.)

MP Deshpande