IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CRIMINAL APPLICATION NO. 3532 OF 2026
IN APPEAL/699/2026

. Dnyaneshwar Maharudra Yede ….Applicant
Age: 26 years, Occu.: Agriculture,
R/o. Anjanwati, Taluka and District Beed.

Versus

1. The State of Maharashtra
Through Police Station Officer,
Neknoor Police Station, Beed.

2. XYZ …..Respondent

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Mr.Satyajit S.Bora, Advocate for Applicant.
Mrs.Chaitali Chaudhari Kutti, APP for Respondent No.1.
Mr.Aashish T.Jadhavar, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 21 OCTOBER, 2026
Pronounced on : 22 OCTOBER, 2026

ORDER :

1. Instant application is for suspension of substantive sentence and grant of bail as a result of Judgment and order of conviction dated 19-08-2026 rendered by learned Additional Sessions Judge, Beed in Special Case No.73 of 2022, for offence punishable under Section 4 of the Protection of Children from Sexual Offences Act (POCSO Act).

2. It is submitted that, though there was trial for offence under Sections 363, 366-A, 376(2)(n) of the Indian Penal Code (IPC) and Section 4 of the POCSO Act, but applicant is acquitted from charges under Sections 363, 366-A of the IPC and for remaining sections there is conviction. It is pointed out that, on the point of age, there is weak evidence. That, PW4 Head Master of the school of the victim is examined and through him, admission extract is placed on record. However, it is pointed out that, on admission application, there is no signatures of parents of victim and even learned trial Court did not rely on the same, however, reliance is placed on Exhibit 66, which is admission register. He submitted that, admittedly there is acquaintance and love relations between accused and victim. That, victim herself left her house to join applicant. Learned counsel submitted out that, moreover, though in examination-in-chief there are allegations of physical relations, it is pointed out that, in cross-examination victim has admitted that, it is she, who insisted for sexual relations. However, there is conviction and the same is under challenge. According to learned counsel, there is a good case in appeal, but as appeal is of 2026, it may not be heard earlier, and so he urges for suspension of sentence and grant of bail.

Learned counsel for the applicant seeks reliance on the decision of the Hon'ble Apex Court in the case of *Ashish Kumar @ Monu and Anr. v. The Sate of Rajasthan*, dated 03-08-2026, and decision of this Court in the case of *Yadav Bandabhoi Battalwad v. The State of Maharashtra and Another*, dated 04-09-2026.

3. Learned APP for the respondent No.1 State and learned counsel for victim supported the impugned judgment. They both submit that on full-fledged trial, conviction for offence under Section 4 of the POCSO Act is recorded and therefore, they both pray for rejection of the application.

4. Perused the papers as well as Judgment under challenge. As pointed out, though trial was for offence under Sections 363, 366-A, 376(2)(n) and under section 4 of the POCSO Act, there is only conviction for offence under Section 4 of the POCSO Act. On the point of age of victim, there is evidence of PW4 Head Master and he has placed on record Exhibit Nos.64, 65 and 66. Apparently, there is no birth certificate on the record. In cross-examination, Head Master has admitted that, in the admission application, there is no signatures of parents and there are interpolations and overwriting regarding entry in the admission register. Therefore, there does seem to be

arguable case in appeal on the point of age of victim. Further, as pointed out, victim in her evidence at Exhibit 43 while under cross-examination has admitted that, it is she who desired to have sexual intercourse. Taking the said admission of victim in account and considering above aspect on the point of age, indeed, there is a good case but to be dealt in appeal and as the same will not be heard in immediate future, relief as prayed deserves to be granted. Accordingly, following order is passed :

ORDER

I. The Criminal Application is allowed.

II. The substantive sentence imposed on the applicant Dnyaneshwar Maharudra Yede by the Additional Sessions Judge, Beed in Special Case No.73 of 2022 on 19-08-2026 stands suspended till the final hearing and disposal of Criminal Appeal No.699 of 2026.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties in the like amount.

IV. The applicant shall not commit any criminal activity.

V. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

SPT