IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4654 OF 2025
IN CRIMINAL APPEAL NO. 158 OF 2026

Narba Govind Kamble
Age: 68 years, Occupation-Labour,
R/o. Jawala (Deshmukh), Tq. Loha,
Dist. Nanded … APPLICANT

VERSUS

1] The State of Maharashtra

2] XYZ – Victim … RESPONDENTS

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Mr. Sanket S. Shinde, Advocate (Appointed through Legal Aid), for Applicant
Mr. G. O. Wattamwar, APP for Respondent No.1 – State
Mr. Pradeep Salunke, Advocate (Appointed through Legal Aid) for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 October, 2026
PRONOUNCED ON : 29 October, 2026

O R D E R :-

1. This is an application for suspension of sentence and grant of bail as a result of conviction recorded by learned Special Judge, Kandhar, District Nanded, dated 06.05.2025, in Special Case (POCSO) No.24 of 2022.

2. Learned counsel for applicant pointed out that applicant was tried vide above special case and he came to be held guilty and sentenced to suffer imprisonment for 20 years i.e. for offence under Section 6 of POCSO Act, 10 years for offence under Section 366-A of I.P.C. and 7 years for offence under Section 363 of I.P.C. Learned counsel submits that the applicant has been falsely implicated in the present case. The applicant is 68 years of age. There are already certain inconsistencies in the statement of the victim. On the one hand, she claims that anal penetration took place, whereas the medical evidence indicates vaginal penetration. Therefore, the case of prosecution is rendered doubtful. He submits that there are good grounds dealt in appeal. However, the same may not be heard in near future, relief of suspension of sentence and grant of bail is urged for.

3. Learned APP as well as learned counsel for victim both opposed on the ground that on full fledged trial conviction has been recorded. Serious offence has been committed on the minor who is three years and two months of age.

4. Considering the above submissions and going through the papers, it seems that applicant faced trial for offence under Sections

363, 366-A of I.P.C., and under Section 6 of POCSO Act. By judgment and order dated 06.05.2025 the learned trial Court pleased to convict the appellant for offence under Sections 363, 366-A of I.P.C., and Section 6 of POCSO Act. Record shows that the trial Court primarily relied on the evidence of victim as well as medical evidence. Victim who is proved to be of three years and two months old, seems to be lured with chocolate and taken by accused and when she returned, that time she was bleeding through private parts. Her undergarments are also stained with blood. There is both, medical as well as forensic evidence to that extent. Hence, taking into account the gravity and seriousness of the offence, this Court is not inclined to grant relief of suspension of sentence and release on bail. However, the appeal may be heard if the applicant so desires. Hence, the following order:

O R D E R

(i) Criminal Application is rejected.

(ii) Fees of learned counsel appointed for applicant as well as for respondent No.2, be paid by the High Court Legal Services Sub-Committee, Aurangabad, as per Rules.

[ABHAY S. WAGHWASE, J.]

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