



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4435 OF 2025

IN

CRIMINAL APPEAL NO. 891 OF 2025

Balaji Raghu Gadekar

...Applicant

Versus

The State of Maharashtra and Another

...Respondents

WITH

CRIMINAL APPEAL NO. 891 OF 2025

Mr. S. N. Lale Yelwatkar, Advocate for the Applicant

Mr. V. K. Kotecha APP for Respondent – State.

CORAM : RAJNISH R. VYAS, J.

DATE : JANUARY 21, 2026

PER COURT :

1. This is an application for suspension of sentence and grant of bail.

2. The applicant was convicted for the commission of offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the “Act of 2012” for the sake of brevity) and was directed to suffer rigorous imprisonment for commission of offences punishable under Section 12 of the Act of 2012 for three years and directed to deposit fine of ₹ 2,000/-. The default sentence was also imposed.

3. The office note shows that the victim is duly served. This Court vide its order dated 25th November 2025, has suspended the sentence imposed upon the applicant till further dates.

4. The learned counsel submits that the appeal is already admitted and the sentence imposed upon the applicant is of a fixed term. He further submitted that during the course of trial, he was on bail and he did not misuse his liberty. He further submitted that after the pronouncement of the judgment, he has surrendered to the custody of the Court and thereafter his sentence is suspended. He further submitted that the fine amount is also deposited. According to him, arguable points are involved in the appeal, as the age of the victim was not proved in accordance with the law

5. Considering the fact that the sentence imposed upon the applicant was of a fixed term and the applicant has not misused his liberty and the sentence imposed upon the applicant was suspended by the Trial Court after his conviction, I am inclined to release the applicant on bail. At this juncture, it is necessary to note that the learned APP has opposed the application on the ground that the act is committed against the child defined under the Act of 2012, therefore,

sentence may not be suspended.

6. Needless to mention that, several arguable points are involved in the appeal and the sentence was already suspended vide order dated 25th November 2025. In that view of the matter, the application for suspension of sentence is allowed.

7. The sentence imposed by the Special Judge (POCSO), Ambajogai in Special (POCSO) Case No. 36 of 2019 dated 04th November 2025, convicting the applicant for commission of offence punishable under Section 12 of the Act of 2012 is hereby suspended. The applicant be released on bail on the same terms and conditions as were imposed by the Trial Court.

8. The application is disposed in above term.

(RAJNISH R. VYAS, J.)