



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4514 OF 2025
IN
APEAL/910/2025**

VIKAS SUBHASH PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Kulkarni Suniket Anil
APP for Respondent No. 1 : Mr. V.K. Kotecha
Advocate for Respondent No. 2 : Mr. D.S. Ingole

...

CORAM : RAJNISH R. VYAS, J.

DATE : 02ND FEBRUARY, 2026

PER COURT :

1. Mother of victim is present in the Court. She requests for grant of legal aid.
2. I have requested Mr. Ingole, who has graciously accepted my request and has shown his willingness to represent the victim. Mr. Ingole, is accordingly appointed to represent the victim.
3. Mr. Ingole, in short span of time has prepared himself.
4. This is an application for grant of bail and suspension of sentence by the original accused who was convicted for commission of

offence punishable under Section 354-A of the Indian Penal Code and under Section 11 (i) read with Section 12 of the Protection of Children from Sexual Offences Act. He was directed to suffer rigorous imprisonment for two years and pay fine of Rs. 2,000/- in respect of offences punishable under Section 11 (i) read with Section 12 of the Protection of Children from Sexual Offences Act. The default sentence was also imposed.

5. Learned counsel for the applicant submitted that applicant has deposited amount of fine. According to him, all through out the trial applicant did not misuse his liberty. After judgment of conviction rendered by Special Judge (POCSO) in Special Case No. 54/2020 on 20.11.2025, applicant had surrendered to the custody of the Court and, thereafter, preferred an application for grant of bail and suspension of sentence, which was allowed. He submitted that applicant has arguable points in appeal.

6. Learned APP has opposed the application on the ground that the offences for which the applicant is convicted is of serious offence.

7. Mr. Ingole, appointed counsel has contended that since the conviction is also under the Protection of Children from Sexual Offences Act, the considerations will be different and, therefore, just because the applicant was on bail, he may not be released on bail.

8. I have gone through the record of the case and have given thoughtful consideration to the argument advanced. The sentence awarded on the applicant is of two years, which is of fixed term. The final hearing of the appeal may take some time and, therefore, in order to protect the liberty of the accused, the sentence can be suspended. It is not even the case of the prosecution that the accused has misused his liberty when he was on bail in trial. The applicant had surrendered to the custody of the Court after pronouncement of judgment of conviction and sentence was suspended and the said order was also continued by this Court. In that view of the matter, following order is passed :

ORDER

- i. Application is allowed.
- ii. The sentence imposed in Special Case No. 54/2020 by Additional Sessions Judge, Dhule, in Special Judge, POCSO on 20.11.2025 of two years imposed upon the applicant for commission of offence punishable under Section 354 of the IPC and Section 11 (I) read with 12 of the Protection of Children from Sexual Offences Act, is suspended till final decision of appeal.
- iii. The applicant be released on same terms and conditions as were imposed by the trial Court.

- iv. The fees of learned appointed counsel is quantified at Rs. 7,000/- (Rupees seven thousand).
- v. Application is disposed of.

(RAJNISH R. VYAS, J.)

SPC