



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

**CRIMINAL APPLICATION NO. 4575 OF 2025
IN APEAL/914/2025**

NANA BHIKAN MATADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Lukhe Arjun Raosaheb

APP for Respondent No. 1 : Ms. A.S. Deshmukh

Advocate for Respondent No. 2 : Mr. Baig Mirza Mazhar Javed

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CORAM : RAJNISH R. VYAS, J.

DATE : 06TH FEBRUARY, 2026

PER COURT :

1. This is an application for grant of bail and suspension of sentence preferred by the sole accused.
2. The accused was convicted for commission of offence punishable under Section 354, 452 and 506 of the Indian Penal Code and the maximum sentence awarded is of one year. The accused was also directed to deposit fine amount and the sentences were ordered to run concurrently.
3. Learned counsel for the appellant/accused submitted that all throughout the trial, he was on bail and did not misuse his liberty and considering the fact that the sentence imposed is of fixed term, the application be allowed.

4. Per contra, learned APP and learned counsel Mr. Mirza Baig, appointed for the victim, have opposed the application on the ground that offence is serious and the evidence tendered by the prosecution is reliable and cogent.

5. I have gone through the record of the case. The applicant is convicted for fixed term of sentence i.e. one year. The applicant was on bail throughout the trial and it is not even the case of prosecution that applicant had misused his liberty. The fine amount is already deposited and after pronouncement of judgment of the conviction, the applicant had surrendered to the custody of the Court. The applicant / accused was acquitted from the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, and provisions of Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Thus, arguable points are involved in the appeal. In that view of the matter, following order is passed :

ORDER

- i. Criminal Application is allowed.
- ii. The sentence imposed of one year on the appellant/accused for commission of offence punishable under Section 354, 452 and 506 of the Indian Penal Code, in Special Case (POCSO) No. 178/2016 dated 30.10.2025, by

Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, at Aurangabad, is suspended till final decision on appeal.

iii. The appellant/accused be released on bail on same terms and conditions as were imposed by the trial Court.

iv. Application is accordingly disposed of.

v. The fees of learned appointed counsel Mr. Mirza Baig, be quantified at Rs. 7,000/- (Rupees seven thousand).

(RAJNISH R. VYAS, J.)

SPC