



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4689 OF 2025
IN CRIMINAL APPEAL NO. 944 OF 2025

Sainath Karbhari Gunjal

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. S.G. Shinde, Advocate for applicant

Mrs. M.N. Ghanekar, A.P.P. for respondent no.1 – State

Ms. Anita Veer, Advocate for respondent no.2 (appointed)

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CORAM : RAJNISH R. VYAS, J.

DATE : 27th JANUARY, 2026

PER COURT :

. This is an application for grant of bail and suspension of sentence. The applicant, who is the sole accused, was convicted for commission of offence punishable under Section 354 of the Indian Penal Code and was directed to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-. He was also convicted for offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and was directed to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-. Both the sentences were directed to run concurrently.

2. The applicant was acquitted of the offences punishable under section 506 of Indian Penal Code, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (1)(w)(i) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned counsel for the applicant submits that evidence of the victim if perused, would reveal that the same is not appreciated in proper manner by the trial Court. He further submits that there is likelihood that final hearing of the appeal may take time. The sentence imposed upon the applicant is of fixed term.

4. Per contra, learned A.P.P. has submitted that the prosecution has proved the age of the victim beyond reasonable doubt, so also the ingredients of offences for which the applicant is convicted.

5. Learned counsel appointed to represent Respondent No.2/victim also supported the stand taken by learned A.P.P.

6. I have gone through the record of the case. The applicant was directed to suffer maximum imprisonment of three years. All throughout the trial, he was on bail. He did not misuse the liberty. After pronouncement of judgment he surrendered to the custody of the Court and thereafter preferred an application for suspension of sentence and grant of bail, which was allowed. The amount of fine is also deposited by the applicant. Receipt in support of his contention is already produced on record. The applicant was acquitted of the offences punishable under section 506 of Indian Penal Code, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and

Section 3 (1)(w)(i) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7. In the aforesaid background, the testimony of the victim of crime will have to be tested in the light of grounds raised by the applicant in appeal memo. In that view of the matter, I am inclined to allow the application. Hence, the following order :-

ORDER

- (I) Criminal application is allowed.
- (II) The sentence imposed upon the applicant of three years for commission of offence punishable under Section 354 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act in Special Case No. 146 of 2021 dated 15th November, 2025 by Special Judge (SC & ST Act), Aurangabad is hereby suspended till final decision of appeal.
- (III) The applicant be released on bail on same terms and conditions as were imposed by the trial Court.
- (IV) Fees of Ms. Anita Veer, learned counsel appointed to represent Respondent No.2 is quantified at Rs.7,000/- to be paid by the High Court Legal Services Sub-Committee, Chhatrapati Sambhajinagar.

(RAJNISH R. VYAS, J.)