



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 929 OF 2026
IN
CRIMINAL APPEAL NO. 166 OF 2026

Parmeshwar Dnyanoba Mane

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. H.D. Deshmukh, Advocate for applicant

Mr. V.K. Kotecha A.P.P. for respondent no.1 - State

....

CORAM : RAJNISH R. VYAS, J.

DATE : 09th MARCH, 2026

PER COURT :

. This is an application for grant of bail and suspension of sentence. The applicant / accused has preferred an appeal challenging the judgment and order dated 21st January, 2026 passed by the Additional Sessions and Special Judge-3, Latur in Special (POCSO) Case No. 9 of 2024, by which he was convicted for commission of offence punishable under Sections 354 and 354-B of the Indian Penal Code (hereinafter referred to as 'I.P.C.') and under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'Act of 2012'). The maximum sentence imposed upon the applicant is of three years. The separate sentence awarded were ordered to run concurrently.

2. Learned counsel for the applicant submitted that all throughout the trial the applicant was on bail and he did not misuse the liberty. According to him, there are good grounds to argue in the appeal. He further submitted that after pronouncement of conviction, he surrendered to the custody of the Court and thereafter his sentence was suspended. The fine amount is also paid by the applicant.

3. Per contra, learned A.P.P. submits that the offence is against a minor victim, and therefore, the sentence may not be suspended.

4. I have gone through the judgment impugned. The prosecution, in order to bring home the charge, has examined five witnesses. PW 1 is the informant, who has stated that PW 3 / victim was nine years old at the time of incident. The accused caught hold the victim and pulled out her nicker. After the victim shouted, the accused ran away from the spot. It is necessary to mention here that one of the grounds raised by the applicant is regarding false implication, since according to him the borrowed amount was demanded from the informant and as PW 1 was not returning the same, false case came to be filed against him. Contention of learned counsel for the applicant that the story of prosecution under Section 161 of Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C.') has not traveled in proper manner through Section 164 of Cr.P.C. According to him, even the age is not properly proved.

5. It is necessary to mention here that the applicant was on bail throughout the trial and he did not misuse his liberty. It is not even the case of prosecution that the applicant has tried to influence the witnesses. The sentence imposed upon the applicant is of fixed term and he can be called upon to undergo the same once the appeal is otherwise decided. The question of age of the victim, so also the different story advanced under Sections 161 and 164 of the Cr.P.C. will have to be looked into at the time of final hearing of appeal. Hence, following order is passed :-

ORDER

- (I) Criminal application is allowed.
- (II) The sentence imposed upon the applicant by the Additional Sessions and Special Judge-3, Latur in Special (POCSO) Case No. 9 of 2024 dated 21st January, 2026, convicting for commission of offence punishable under Sections 354 and 354-B of the Indian Penal Code and under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012, shall stand suspended till decision on appeal.
- (III) The applicant be released on bail on the same terms and conditions as were imposed by the trial Court.

(RAJNISH R. VYAS, J.)