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

**920 CRIMINAL APPLICATION NO. 956 OF 2026
IN APEAL/172/2026**

SANJAY GOVINDRAO KOLI

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondent

Mr. K. T. Jamdar, Advocate for the applicant
Mr. V. K. Kotecha, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 11th MARCH, 2026

PER COURT :

1. This is an application for grant of bail and suspension of sentence.
2. The applicant who is sole accused was convicted in Special (POCSO) Case No. 76 of 2022 dated 23-02-2026 by the Additional Sessions Judge & Special Judge, Latur for commission of offences punishable under Sections 354-A of the Indian Penal Code and Section 8 of the Protection of Children From Sexual Offences, Act 2012. The maximum sentence imposed upon the applicant is of 3 years.

3. It is the case of the applicant that all through out the trial the accused was on bail and after pronouncement of judgment of conviction has surrendered to the custody of the court. Thereafter, he preferred an application for grant of bail and suspension of sentence, which was allowed.

4. Per contra, learned APP has contended that the offence is serious. The applicant was working as a Watchman and two victims were involved in the crime. He submitted that after considering the record the conviction was awarded.

5. With the assistance of the respective counsels, I have gone through the record of the case, the present applicant was working as a Watchman of the school and on 28-06-2022 when both the victims had been to the school and were playing in the garden of the school, the accused went towards the victims. He then offered the chocolate to the victims and enquired they wanted to go to latrine. one of the victims refused. The accused told both the victims that he would show mobile and took towards bathroom. He then kissed first victim and thereafter kissed the second victim on the lips. Thereafter, both the victims went out. It is this incident which resulted into the registration of First Information Report. Consequently, the investigation was carried out. It is necessary to mention here that the present applicant is acquitted for the commission of offences

punishable under Sections 376(3), 376(2)(j), 376AB, 354B of the IPC and Sections 4, 6 and 12 of the Act of 2012.

6. It is not even the case of the prosecution that the said acquittal is taken exception to file the appropriate proceeding. Be that as it may, the incident had taken place on 28-06-2022 and report was filed on 29-06-2022. According to the learned Advocate for the applicant the act was not done by the applicant. Therefore, the accused was acquitted for commission of offence as stated above. Therefore, arguable points are involved in the appeal.

7. Considering the fact that there is delay in lodging the first information report so also the applicant is already acquitted for above said offences and since he was on bail during the trial and he did not misuse the liberty, I am inclined to pass the following order:

ORDER

a] The application is allowed.

b] The sentence imposed upon the applicant in Special (POCSO) Case No. 76 of 2022 dated 23-02-2026 by the Additional Sessions Judge & Special Judge, Latur for commission of offences punishable under Sections 354-A of the Indian Penal Code and Section 8 of the Protection of Children From Sexual Offences, Act 2012 is

(4)

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hereby suspended till the decision on the appeal.

c] The applicant shall be released on the same terms and conditions as were imposed by the trial court.

[RAJNISH R. VYAS, J.]

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