



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

**CRIMINAL APPLICATION NO. 1770 OF 2026
IN APEAL/330/2026**

1. Mansajan Prakash Salunkhe
Age: 26 Yrs., Occu. : Nil.
2. Shobhabai w/o Prakash Salunkhe
Age: 51 Yrs., Occu.: Labour.
3. Prakash s/o Natha Salunkhe
Age: 53 Yrs., Occu.: Labour.
4. Vandana w/o Suresh Salunkhe
Age: 46 Yrs., Occu.: Labour.
5. Suresh s/o Natha Salunkhe
Age: 50 Yrs., Occu.: Labour,
All R/o. Mhasale, Taluka Sakri,
District Dhule.
(All Applicants are Present in Jail)

..Applicants

Versus

1. The State of Maharashtra
Through Nijampur Police Station,
Taluka Sakri, District Dhule

(Prosecutor)

2. XYZ

..(Victim)
..Respondents

.....

Advocate for Applicant : Mr. Swapnil Shashikant Patil

APP for Respondent no.1 : Mr.PP Dawalkar

Advocate for Respondent no.2 : Ms. Sharada Pundlik Chate

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 JUNE, 2026

PRONOUNCED ON : 11 JUNE, 2026

ORDER :

1. Present application is for suspension of sentence and grant of bail as a result of conviction of the applicants recorded by learned Special Judge (POCSO) and Additional Sessions Judge, Dhule in Special Case No.129 of 2021, returning guilt of the applicants for offence under Sections 376(2)(f), 376(2)(n) r/w 34 of the Indian Penal Code (IPC), under Sections 4, 6, 16 and 17 of the Protection of Children from Sexual Offences Act (POCSO Act) and under Sections 10 and 11 of the Prohibition of Child Marriage Act, 2006 respectively.
2. Learned counsel for applicants would submit that applicants were tried vide above Special Case and by judgment and order dated 17-04-2026, they also came to be convicted. He pointed out that, applicant no.1 is accused no.1, applicant nos.2 and 3 are his parents, whereas applicant nos.4 and 5 are his uncle and aunt respectively. According to him, accused nos.2 to 5 are falsely implicated and also held guilty. He further submitted that, accused no.1 has already married victim and during trial, victim had also tendered application before the learned trial Court expressing her desire to be re-examined as she was already married and cohabiting and residing with him, but said application has been turned down. That, against said

Judgment and order of conviction, appeal has been preferred, but appeal being of 2026, it will take sufficiently long time to be heard and decided and till then as applicants were on bail during trial, it is submitted that sentence be suspended and they be enlarged on bail during pendency of appeal.

3. Learned APP and learned counsel for respondent no.2 victim have strongly opposed on the ground that serious offence is committed on victim, who is a minor. That, accused no.1 had impregnated her. That, there is sufficient evidence on the point of age as well as pregnancy. That, on complete evaluation of evidence, learned trial court has convicted accused. It is further submitted that accused nos.2 to 5 are also indulged by virtue of common intention and moreover, child marriage was performed. Therefore, learned trial Court rightly convicted them and so they both opposed relief of suspension of sentence and grant of bail.

4. Heard. Perused the papers.

5. Admittedly, present applicants faced trial before Special Judge (POCSO) and Additional Sessions Judge, Dhule vide Special Case No.129 of 2021 for aforesaid offence. Case of prosecution in trial

Court was based on as many as eight witnesses. Evidence of victim, followed that of her mother informant as well as PW4 Doctor was found to be reliable for convicting accused no.1. Accused nos.2 and 3 seem to be his parents, whereas accused nos.4 and 5 seem to be uncle and aunt of accused no.1. They have also been convicted by applying Section 34 of the IPC. There is challenge to the same by filing appeal. However, apparently appeal being of current year, there are no chances of immediate hearing of appeal and therefore, applicant nos.2 to 5 deserve the relief. As regards to application of applicant no.1 is concerned, the same stands rejected. Accordingly, following order is passed :

ORDER

- (i) Application of applicant No.1 is rejected.
- (ii) Application of applicant Nos.2 to 5 is allowed.
- (iii) The substantive sentence imposed on the applicant Nos.2 to 5 by the learned Special Judge (POCSO) and Additional Sessions Judge, Dhule, in Special Case No.129 of 2021 dated 17-04-2026, stands suspended till final hearing and disposal of Criminal Appeal No.330 of 2026.

- (iv) The applicant Nos.2 to 5 be released on P.R. Bond of Rs.15,000/- (Rs.Fifteen thousand only) each with two solvent sureties each in the like amount.
- (v) The applicant Nos.2 to 5 shall not commit any criminal activity.
- (vi) The applicant Nos.2 to 5 shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date they tenders bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.
- (vii) In case of two consecutive defaults on the part of the applicant Nos.2 to 5 to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant Nos.2 to 5.
- (viii) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE