IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRI-INTERIM APPLICATION NO. 631 OF 2026
IN
CR. APPEAL NO. 240 OF 2026

Taslim Tajuddin Shaikh ……Applicant

Versus.

The State of Maharashtra & Anr. ……Respondents

- *Mr. Rushabh D. Phade for Applicant.*
- *Mr. Nitin B. Patil, A.P.P. for the Respondent No.1-State.*

Coram : ASHWIN D. BHOBE, J.

Date : 6th October 2026.

PER COURT :

1. Heard, Mr. Rushabh Phade, learned Advocate for the Applicant and Mr. Nitin Patil, learned A.P.P. for the Respondent No.1-State.

2. The Applicant is Accused No. 1 in Sessions Special Case (POCSO) No. 08 of 2024.

3. By the Judgment and Order of conviction dated 7th August 2026 ("impugned judgment"), the Additional Sessions Judge, Malshiras, District

Solapur ("Trial Court"), has convicted the Applicant for the offence punishable under Section 363 read with Section 34 of the IPC and has sentenced the Applicant to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.3,000/-. The Applicant has been acquitted of the offence punishable under the Protection of Children from Sexual Offences Act (POCSO Act).

4. Mr. Rushabh Phade, learned Advocate for the Applicant, states that the Applicant's conviction in the impugned judgment is under Section 363 read with Section 34 of the IPC only. He submits that during the pendency of Special Case (POCSO) No. 08 of 2024, the Applicant was on bail. He submits that the Applicant regularly attended the trial and there are no allegations that the Applicant violated the bail conditions. He further submits that upon the passing of the impugned Judgment, the Applicant filed an application under Section 389(3) of the Cr.P.C. seeking suspension of the sentence. He submits that by order dated 7th August 2026, the Trial Court has suspended the sentence imposed on the Applicant for the period available to the Applicant to file an Appeal. Mr. Rushabh Phade, learned Advocate for the Applicant, states that the period for filing the Appeal is 60 days and the same would expire on 7th October 2026.

5. Mr. Nitin Patil, learned A.P.P. for Respondent No. 1-State, submits that the sentence imposed is for a period of three years, he leaves the matter to the Court.

6. After perusing the Appeal Memo in the context of the impugned judgment and the grounds raised therein, it prima facie appears that the Applicant has a good chance of acquittal. The sentence imposed on the Applicant is three years. The Crimainal Appeal No. 240 of 2026 is admitted.

7. In view of the above, this Interim Application is allowed. Hence, the following order :

(a) The sentence awarded to the Applicant by the Trial Court in the impugned Judgment and Order of conviction dated 7th August 2026 in Special Case (POCSO) No. 08 of 2024 shall stand suspended during the pendency of the Appeal and the Applicant shall be released on bail on the following conditions:

(i) The Applicants shall be released on bail upon furnishing a PR Bond of Rs.50,000/- with one or two sureties in the like amount, to the satisfaction of the Additional Sessions Judge, Malshiras.

(ii) The fine imposed by the impugned Judgment and Order of conviction dated 7th August 2026 shall be deposited, if not

already deposited, within a period of two (2) weeks from today before the Trial Court.

(iii) The Applicant shall regularly appear before this Court as and when Criminal Appeal No. 240 of 2026 is listed on the Cause list.

(iv) The Applicant shall, within three (3) days from today, provide his address along with proof and telephone number/s to the Investigating Officer, Akluj Police Station, District Solapur.

(v) In the event of any default in complying with the conditions or misuse of the liberty granted to the Applicant, the prosecution shall be at liberty to seek cancellation of the bail.

8. The Interim Application No. 631 of 2026 is allowed in the above terms.

[ASHWIN D. BHOBE, J.]

OMKAR SHIVAHAR KUMBHAKARN
Digitally signed by OMKAR SHIVAHAR KUMBHAKARN
Date: 2026.10.07 10:54:50 +0530