

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

CRIMINAL APPELLATE JURISDICTION

CRI-INTERIM APPLICATION NO. 339 OF 2026
IN
CR. APPEAL NO. 136 OF 2026

Faij Danish Shaikh And Anr.

... Applicants/Appellants

Versus

The State of Maharashtra And Anr.

... Respondents

Mr. Rahul Dhaygude for the Applicants/Appellants.

Mr. A.S. Shalgaonkar, A.P.P. for the Respondent No.1-State.

Coram : MEHROZ K. PATHAN, J.

Date : 16th June 2026.

PER COURT :

1. This is an application for suspension of sentence and releasing the Applicants on bail.
2. Learned counsel for the Applicants submits that the Applicants are wrongly convicted in the present crime. The accompanying Appeal is admitted after hearing by this Court. There are good grounds made out by the Applicants in the Appeal. There is material discrepancy in the statements of the witnesses. There is one year delay, which stands unexplained.

However, still the learned trial Court has convicted the Applicants.

3. Learned A.P.P. strongly opposed the Application. However, fairly admit that the learned Sessions Judge while convicting the Applicants, have suspended the sentence upon an application made by the Applicants vide order dated 28/05/2026.

4. Taking into consideration the aforesaid submission and also the six months conviction of the Applicants, which is already suspended vide order dated 28/05/2026 passed by the learned Judge, Special Court (under POCSO Act), Wai in Special POCSO Case No. 58 of 2023, suspending the sentence, I am inclined to pass the following order. Hence, the following order :-

ORDER

- (i) The Application is allowed.
- (ii) The substantive sentence imposed upon the Applicants vide judgment dated 28/05/2026 is hereby suspended on the same terms and conditions as is imposed by the learned Judge, Special Court (under POCSO Act), Wai.
- (iii) The Applicants shall not tamper with the evidence and threaten the complainant.
- (iv) A single complaint by the complainant shall entitle the prosecution to seek cancellation of the bail order.

5. The Application is disposed of in the aforesaid terms.

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[MEHROZ K. PATHAN, J.]