

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3339 OF 2025
IN
CRIMINAL APPEAL NO. 1128 OF 2025

Sajid Boondhu Ansari ...Applicant
Versus
State Of Maharashtra & Anr. ...Respondents

WITH
APPEAL (ST) NO. 22033 OF 2025
WITH
INTERIM APPLICATION NO. 4083 OF 2025
WITH
INTERIM APPLICATION NO. 4082 OF 2025

Mr. Kuldeep Nikam a/w. Ms. Nishi Singhvi for the Appellant.
Mr. Hitendra Jain, APP for the State.
Ms. Lucy Massey for Respondent No. 2.
N. Parvati , API Police Station, Pune City

CORAM : R.M. JOSHI, J.

DATE : 27th FEBRUARY, 2026

P.C. :

1. Appellant- Sajid Boondhu Ansari, convict by judgment and order dated 25th June 2025 passed in Special POCSO No. 448 of 2018 is seeking suspension of sentence and enlargement of the Appellant on bail.
2. Learned Counsel for the Appellant submit that there is no allegation against the present Appellant of he committing any sexual

assault on the victim. It is further argued that the present Appellant has not been named in the statement of the victim recorded under Section 164 of Cr. P. C. nor she while recording the history before the medical officer has indicated involvement of the Appellant in the crime. It is contended that the Appeal is not likely to be heard in short period of time, and also in view of the fact that Appellant has no criminal history behind him, it is a fit case for enlargement of the Appellant on bail.

3. Learned APP and learned Counsel for the Respondent No. 2 opposed the application. It is their contention that there is specific allegation against co-accused i.e. Accused No. 2 of he committing sexual assault on the victim and there is evidence to indicate that the present Appellant abetted in commission of the said act.

4. On specific query made by this Court, learned APP on instructions make statement that Appellant has no criminal history.

5. Perusal of the record indicates that the Appellant is convicted for the offense punishable under Section 366 (A) of the I.P.C. Admittedly there is no allegation against the present Appellant of he committing any sexual assault. Apart from the said fact, it is pertinent to note that the victim has not named the present Appellant in her statement under Section 164 of Cr.P.C. nor before the medical officer.

6. Thus, this Court finds substance in the contention of learned

Counsel for the Appellant that there are inconsistencies in the evidence of the victim, and hence it could be said that Appellant has fair chance of success in the appeal. Appeal is not likely to be heard in short time. Appellant has no criminal history and he is not likely to flee from justice. Hence the following order is passed;

ORDER

- (i) The substantive sentence imposed against the Appellant by the trial Court by the judgment and order dated 25th June 2025 passed in Special POCSO Case No. 448 of 2018 stands suspended till the hearing of the appeal.
- (ii) The Appellant be enlarged on bail on furnishing PR Bond of Rs. 15,000/- with one surety in the like amount.
- (iii) Bail before the Trial Court.
- (iv) Appellant not to contact victim or any witness in any manner whatsoever.
- (v) Any breach of this condition will result the vacation of this order and the Appellant shall be taken in custody for undergoing the remaining sentence.

(R.M. JOSHI, J.)