

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1105 OF 2025
WITH
INTERIM APPLICATION NO. 4205 OF 2025
IN
CRIMINAL APPEAL NO. 1105 OF 2025**

Sagar Bhimrao Shelar ...Appellant/Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

Mr. Vaibhav Kulkarni *a/w Disha Rathod, Abhishek Zare, for
the Appellant.*
Mr. R. M. Pethe, *for the State-Respondent.*
Ms. Kanchan Pawar, *for Respondent No.2.*

CORAM R. M. JOSHI, J.
DATED: 21st JANUARY 2026

PC:-

IN INTERIM APPLICATION NO. 4205 OF 2025:

1. In this application, the Appellant seeks suspension of sentence and enlargement on bail in connection with the Judgment and Order dated 14th October 2025 passed in

Special case (POCSO) case No. 12 of 2025, whereby he was sentenced to suffer five years' imprisonment with fine.

2. Learned counsel for the Appellant submits that even if, for the sake of argument, the entire story of prosecution is accepted as it is, it cannot be said that any offence under Section 354 of the Indian Penal Code, 1860 (for short, "IPC") and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO") has been committed by the Appellant. It is his submission that the only independent witness examined by the prosecution does not support the case of the victim/prosecution. He further claims a fair chance of success in the Appeal. As the Appeal is not likely to be heard in short period of time, he seeks enlargement of the Appellant on bail.

3. Learned APP and learned counsel for the Respondent No.2-victim vehemently oppose the application.

4. In case the Appellant makes out a case of fair chance of success in the Appeal, he deserves enlargement on bail. This Court finds substance in the contention of learned counsel for the Appellant that even if the case of the prosecution is accepted as it is, it is difficult to hold that any offence has been committed as alleged and said to have been proved against him. Appeal is not likely to be heard in a short period of time. The Appellant has no criminal history. He is not likely to flee from justice. Hence, the following order:

ORDER

- i) The application is allowed.
- ii) The Appellant be released on bail on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.
- iii) The suspension of sentence imposed against the Appellant by Judgment and Order dated 14th October 2025 passed in Special case (POCSO) case No. 12 of 2025 stands suspended till decision of the Appeal.

iv) Appellant shall not directly or indirectly contact victim or her family in any manner whatsoever.

v) In case of breach of above conditions, the order of bail shall stand vacated forthwith and the Appellant be taken in the custody to undergo sentence.

IN CRIMINAL APPEAL NO. 1105 OF 2025:

5. Admit.

6. Call record and proceedings.

7. Learned APP waives service on behalf of the Respondent-State.

8. Ms. Kanchan Pawar is appointed to represent Respondent No.2 in the Appeal.

(R. M. JOSHI, J.)