



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL (APPA) NO.574 OF 2025
IN
CRIMINAL APPEAL NO. 723 OF 2024

BINDO GANESH PATIL @ BINDO GANESH PATIL BABU KALKHOR
VS
THE STATE OF MAHARASHTRA AND ANR.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.P.Bhandarkar, Advocate with Shri A.C.Khadse, Advocate for appellant.
Shri U.R. Phasate, APP for respondent/State.
Shri Syed S. Ali, Advocate (appointed) for respondent no. 2.

CORAM : NEERAJ P.DHOTE, J.
DATE : 20/01/2026

This is an application for suspension of sentence imposed by the learned Extra Joint District Judge and Additional Sessions Judge (Special Judge, POCSO Court), Nagpur in Special Criminal (Child) Case No. 269/2016 dated 07/08/2024 convicting the Appellant for the offence punishable Sections 344, 366-A, 370-A read with Section 34 of the Indian Penal Code and under Sections 3, 4, 5, 6 and 9 of the Immoral Traffic (Prevention) Act, 1956 (for short PITA Act) and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned Advocate for the Appellant, learned APP for the State and learned Advocate for Respondent no. 2- Victim.

3. There is no dispute that the co-convict Shero Borlal Kesiya has been granted bail after his sentence was suspended by this Court in Criminal Application No.

846/2024 in Crime Appeal No. 485/2024 by order dated 30th January, 2025. This aspect is not in dispute.

4. It is the case of the prosecution that the co-convict Shero Boralal Kesiya phoned the present Applicant/Appellant to bring the victim to him and the Appellant accordingly took the victim to him and she was pushed into prosecution. This indicate that the Applicant/Appellant stand on the same footing as that of the co-convict Shero Boralal Kesiya. Since the sentence of said co-convict is suspended, the Appellant/Applicant is entitled for the bail on the ground of parity. The Appellant/Applicant is the woman. She was on the bail during trial. Hence, the following order:

ORDER

(i) The Application is **allowed**.

(ii) The execution of the sentence vide order dated 07/08/2024 passed by the Extra Joint District Judge and Additional Sessions Judge (Special Judge, POCSO Court), Nagpur in Special Cri (Child) Case No.269/2016 is hereby suspended till final disposal of the appeal.

(iii) The Appellant – Bindo d/o. Ganesh Patil @ Bindo Ganesh Patil Babu Kalkhor be released on bail on executing PR. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety, in the like amount.

(iv) The Appellant shall attend the Court of Extra Joint District Judge and Additional Sessions Judge (Special

Judge, POCSO Court), Nagpur on 5th day of every month, till disposal of the appeal.

(v) The Appellant shall furnish her detailed address along with address proof before the Extra Joint District Judge and Additional Sessions Judge (Special Judge, POCSO Court), Nagpur along with the names of her two relatives and their address with address proof.

(vi) The Appellant shall co-operate in early hearing of the Appeal.

(vii) For this Application, fees of the learned Advocate Shri Syed S. Ali, appointed to represent the Respondent no. 2 - Victim is quantified for the Application at Rs. 7,500/- [Rupees Seven Thousand Five Hundred Only], which shall be paid by the High Court Legal Services Sub-Committee, Nagpur.

5. Accordingly, the application stands **disposed of**.

(NEERAJ P. DHOTE, J.)

B.T.K.