

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 488 OF 2015
IN
CRIMINAL APPEAL NO. 92 OF 2015

Sunil Baban Gadhave & Ors.**Applicants.**

Versus

The State of Maharashtra**Respondent.**

Mr. Abhijit S. More, Advocate for applicants.

Mr. M.M.Nerlikar, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 23rd February, 2015.

ORDER :

1. The application is filed for suspension of substantive sentence given to the applicants for offences punishable under sections 16 and 17 of the Protection of Children from Sexual Offences Act. Sentence of R.I. for seven years is given and fine is also imposed. The learned counsel for the applicants made a statement that on the day of decision they surrendered to bail bonds and since then they are behind bars. A statement is made that entire fine amount has been deposited. A statement is made that during trial applicants were on bail. A statement is made that prior to the decision, the applicants were behind bars for about two months and since the decision i.e. from 22.1.2015 till today they are behind bars.

2. This Court has gone through the evidence of the victim girl, the medical evidence etc. There is allegation against the applicants/appellants that they helped the main accused in commission of offence punishable under section 376 of I.P.C. Applicant No. 2 is sister of main accused and applicant No. 1 is husband of applicant No. 2. Applicant No. 3 is the land lady, owner of the house where the victim girl was kept by the main accused and where the offence is committed. In view of these circumstances, this Court holds that substantive sentence can be suspended.

3. In the result, the application is allowed. Substantive sentence is suspended. Applicants are to be released on bail on their furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand) by each of them.

[T.V. NALAWADE, J.]

ssc/