

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 02590 of 2017
(In Criminal Appeal No. 209 of 2017)

District : Nanded

1. Amer Khan s/o. Gulam Ali Khan,
Age : 25 years,
Occupation : Carpenter,
R/o. Ardhapur,
Taluka Ardhapur,
District Nanded.
 2. Adib Khan Pathan s/o.
Ayubkhan Pathan,
Age : 28 years,
Occupation : Labour,
R/o. Dargah Mohalla,
Ardhapur,
Taluka Ardhapur,
District Nanded.
- .. Applicants.

versus

1. The State of Maharashtra,
Through Ardhapur Police Station,
Taluka Ardhapur,
District Nanded.
 2. Manisha d/o. Uttam Dhongde,
Age : 17 years,
Occupation : --- ,
Under guardianship of father
Utam Limbaji Dhongde,
Age : 52 years,
Occupation : Labour,
R/o. Indiranagar,
Navi-Abadi, Ardhapur,
Taluka Ardhapur,
District Nanded.
- .. Non-applicants.

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Mr. M.V. Ghatge, Advocate, for the applicants.

Mr. P.S. Patil, Addl. Public Prosecutor, for
non-applicant no.01.

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CORAM : SANGITRAO S. PATIL, J.

DATE : 30TH MAY 2017
(Summer Vacation)

ORAL ORDER :

Heard learned Counsel for the applicants and the learned Addl. Public Prosecutor for non-applicant no.01.

02. Issue notice to non-applicant no.01 - State of Maharashtra. The learned Addl. Public Prosecutor waives service of notice behalf of non-applicant no.01. Non-applicant no.02 seems to be a formal party since compensation has been ordered to be paid to her.

03. The learned Counsel for the applicants submits that the applicants have been convicted and the maximum period of sentence is 03 years. The applicants have been ordered to pay compensation of Rs. 15,000/- out of the fine amount of Rs. 24,000/-. He submits that the fine amount of Rs. 24,000/- has already been deposited by the applicants before the trial Court.

04. The applicants were on bail during trial. They have challenged the conviction and sentence by filing Criminal Appeal No. 209 of 2017 on legal as well as factual aspects. If the sentence of imprisonment is not suspended, the very purpose of filing the appeal would be frustrated.

05. Hence, the following order :-

The substantive sentences against both the applicants, as imposed by the learned Addl. Sessions Judge-6, Nanded, in Special Case (POCSO) No. 041/2015, are suspended and the applicants are directed to be released on bail, pending hearing and final disposal of Criminal Appeal No. 209 of 2017, on execution of personal bonds by the applicants in the sum of Rs. 15,000/- [Rupees fifteen thousand] each with the surety in the like amount. The bail bonds shall be furnished before the trial Court.

06. Present Application is disposed of in the above terms.

07. Authenticated copy of this order be given to the applicants, on their request.

(Sangitrao S. Patil)
JUDGE