

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

**CRIMINAL APPLICATION NO. 237 OF 2021
IN
CRIMINAL APPEAL NO. 38 OF 2021**

Ravindra Vishwanath Bhalerao	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Chaitanya C. Deshpande, Advocate for the applicant
Mr. S. W. Munde, APP for the respondent- State

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CORAM : R. G. AVACHAT, J.

RESERVED ON : 15th JUNE, 2021

PRONOUNCED ON : 22nd JUNE, 2021

PER COURT :-

1. This is an application for suspension of substantive sentence imposed on the applicant vide judgment and order dated 11.01.2021 passed by the learned Special Judge (POCSO Act), Aurangabad in Special Case No.(POCSO) No.123 of 2018.

2. The applicant/appellant has been convicted as under:-

a] The accused is convicted for the offence under Section 363 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three months and shall pay fine of Rs.1,000/-, in default, simple imprisonment for one week.

(b) For the offence under Section 376 of the Indian Penal Code, to suffer rigorous imprisonment for 10 years and fine of Rs.10,000/-, in default, simple imprisonment for 10 weeks.

(c) For the offence under Section 506 of the Indian Penal Code, to suffer rigorous imprisonment for three years and fine of Rs.1,000/-, in default, simple imprisonment for one week.

(d) For the offence under Section 4(2) of POCSO Act, to suffer rigorous imprisonment for 20 years and fine of Rs.20,000/-, in default, simple imprisonment for 20 weeks.

(e) For the offence under Section 8 of POCSO Act, to suffer rigorous imprisonment for three years and fine of Rs.5,000/-, in default, simple imprisonment for 5 weeks.

3. It appears to be a case of interfaith emotional involvement. The victim and the appellant eloped. The First Information Report (FIR) has been lodged five days after the victim returned home. Both, the victim and her mother testified that the police authorities obtained their signatures on the already recorded statement/FIR. It is also in the evidence of the mother of the victim that before lodging of the FIR, the family members and their

relations had deliberation over the matter. The appellant is 25 years of age. He has been behind the bars since 20.09.2018. He was undertrial prisoner. The appeal is not likely to come up for final hearing in the near future. The application, therefore, deserves to be allowed. Hence, following order:-

ORDER

- (i) The application is allowed in terms of prayer clauses [B] and [C].
- (ii) Pending the appeal, the substantive sentence imposed by the trial Court is suspended. The applicant be released on bail on his executing P. R. bond in the sum of Rs.15,000/-(Rupees Fifteen Thousand) with one surety in the like amount.
- (iii) Bail before the trial Court.

[R. G. AVACHAT, J.]