

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.758/2021 IN

CRIMINAL APPEAL NO.151 OF 2021

Kiran s/o Khandu Jadhav

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....

Shri V.B. Jadhav, Advocate for applicant

Shri K.N. Lokhande, A.P.P. for respondent State

.....

**CORAM : R. G. AVACHAT, J.
(VACATION COURT)**

DATE : 28th MAY, 2021

ORDER :

Heard learned counsel for the applicant. Issue notice to respondent. Learned A.P.P. waives service of notice for the respondent State.

2. This is an application for suspension of the substantive sentence passed by the Additional Sessions Judge, Latur in Special case (POCSO) No.17/2019), dated 10/3/2021 and for releasing the applicant on bail.

3. The applicant has been convicted for the offence under Sections 305, 354-D of the Indian Penal Code and Sections 8 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs.1000/-. In default of payment of fine, to suffer simple imprisonment for six months.

4. Learned A.P.P. would submit that a minor girl had to finish her life because of the applicant. The learned A.P.P., therefore, urged for rejection of the application.

5. The applicant was on bail pending the trial. He is 25 years of age. When the incident did take place, he was around 21 – 22 years of age. It appears to be a case of emotional involvement between the deceased and the applicant. The deceased was around 17 years of age. She committed suicide since the applicant came her home and asked her to elope with him, lest he would commit suicide at her residence itself.

6. Considering the quantum of sentence, the age of the applicant and that he was on bail pending trial and there

is no likelihood of the appeal to come up for hearing in the near future, I am inclined to grant the application. The application is therefore allowed in terms of prayer clause (A). During the pendency and final disposal of the appeal, the substantive sentence imposed by the trial Court is suspended and the applicant shall 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. Bail before the trial Court.

**(R. G. AVACHAT)
JUDGE**

fmp/-