

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

**CRIMINAL APPLICATION NO.879 OF 2021
IN
CRIMINAL APPEAL NO. 195 OF 2021**

Satish S/o Samadhan Nemane ... Appellant
(Orig. Accused)

Versus

The State of Maharashtra ... Respondent

....

Mr. Joydeep Chatterji, Advocate h/f Mr. V.H. Dighe, Advocate for the Appellant

Ms. G.L. Deshpande, A.P.P. for Respondent No.1 / State

....

**CORAM : SHRIKANT D. KULKARNI, J.
(Vacation Court)**

DATE : 13th MAY, 2021

PER COURT:-

1. Issue notice to respondents. Learned A.P.P. waives service of notice for Respondent / State.
2. Heard Mr. Chatterji, learned counsel h/f Mr. V.H.Dighe, learned counsel for the applicant / original accused and the learned A.P.P. for respondent / State.
3. Perused the impugned judgment and order passed in Special Case (Ch.) No.93 of 2019 by the learned Extra Joint District Judge and Judge, Special Court (POCSO), Jalna. It is revealed during the course of argument that the applicant / original accused was on bail

during the trial. It would be appropriate to suspend the substantive sentence during the pendency of appeal. The applicant / original accused is entitled to get bail by looking to the fact that he was on bail during the trial.

4. With this I conclude and proceed to pass the following order:

ORDER

- (i) The Criminal Application for suspension of sentence and bail is allowed.
- (ii) The substantive sentence passed in Special Case (Ch.) No.93 of 2019 by Extra Joint District Judge and Judge, Special Court (POCSO), Jalna is hereby suspended till the final decision of the appeal.
- (iii) The applicant / original accused Satish S/o Samadhan Nemane be released on bail on his furnishing PR bond of Rs.15,000/- with one or two solvent surety in the like amount.
- (iii) In case, the applicant / original accused is not in a position to furnish the bail due to Covid-19, he is at liberty to deposit cash surety in the Trial Court.
- (iv) Bail before the Trial Court.

(**SHRIKANT D. KULKARNI**)
JUDGE

S.P Rane