

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

**CRIMINAL APPLICATION NO.994 OF 2021 IN
CRIMINAL APPEAL NO.229 OF 2021**

Ashruba @ Ashok Ramling Doke ... **APPELLANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. S.J. Salunke, Advocate for appellant
Mr. S.N. Kendre, A.P.P. for respondent No.1.
.....

CORAM : R. G. AVACHAT, J.

Date of reserving order : 3rd July, 2021

Date of pronouncing order : 7th July, 2021

ORDER:

This is an application for suspension of sentence of imprisonment passed in Special (POCSO) Case No.57/2018 on 21/12/2020 by Special Judge, Osmanabad. The applicant has been convicted for the offence punishable under Section 4 of the protection of Children from Sexual offences Act, 2012 and sentenced to undergo rigorous imprisonment for seven years and to pay fine of Rs.3000/-, in default to undergo rigorous imprisonment for six months. The applicant has further been convicted for the offence punishable under Section 376(2)(i)

(j) of the Indian Penal Code, however, no separate sentence is imposed. The applicant has further been convicted for the offence punishable under Section 363 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs.500/-, in default to undergo rigorous imprisonment for one month. The applicant has further been convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two months and to pay fine of Rs.300/-, in default to undergo rigorous imprisonment for one month. The substantive sentences have been directed to run concurrently.

Learned A.P.P. opposed to grant the application.

3. Heard learned counsel for the applicant. Perused the impugned judgment and the evidence relied on. It appears to be a case of emotional involvement. When the offence took place, the appellant was 23 years of age. The applicant has been behind the bars since 23/3/2018 i.e. little over three years and three months. The appeal is not likely to have its turn for hearing in immediate future. In the factual backdrop, I am inclined to grant the application. Hence the order.

ORDER

4. The application is allowed. Pending the appeal, the substantive sentences of imprisonment imposed upon the applicant are suspended and 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.

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

fmp/-