

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

**925 CRIMINAL APPLICATION NO.1822 OF 2020
IN APEAL/536/2020**

**SHIVAJI @ PINTU BHABUTA MALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Ruchir Wani, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : N. R. BORKAR, J.

DATE : 12-10-2021

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. This is an application for suspension of sentence and to release the applicant on bail.

2. The applicant came to be convicted for the offences punishable under Sections 363, 376 of the IPC and Sections 4 and 6 of the POCSO Act and sentenced to suffer rigorous imprisonment for 10 years.

3. I have heard learned counsel for the applicant and learned APP for the respondent/State.

4. I have perused the evidence of the prosecutrix. She has

stated in her evidence that "I know the accused. He met me in one marriage and we exchange our mobile number with each other. Thereafter, we used to talk on mobile with each other. I called the accused at once to my house for dinner. On 24-09-2018 the accused called me at Hatdarwaja premises. Therefore, I went there. From there he took me to Pansemel. In a temple the accused performed marriage with me. Thereafter, accused took me to village Londhare to the house of his maternal uncle".

5. Admittedly, on the date of incident prosecutrix was sixteen and half years old.

6. Considering the nature of evidence and as the applicant was on bail during the trial, I am inclined to suspend the substantive sentence imposed by the trial court and release him on bail. Hence, the following order is passed:

ORDER

- i. Application is allowed.
- ii. Substantive sentence imposed by the learned Sessions Judge, Nandurbar on the applicant, in Special Case No. 23 of 2018 is suspended during the pendency of the appeal.

(3)

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iii. The applicant be released on bail on executing the PR bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with one or more sureties in the like amount.

iv. Bail before the trial court.

[N. R. BORKAR, J.]

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