

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

**908 CRIMINAL APPLICATION NO. 1847 OF 2021
IN
CRIMINAL APPEAL NO. 407 OF 2021**

**PRAVIN GULABRAO KAKDE
VS
STATE OF MAHARASHTRA AND OTHERS**

Mr. Ashraf Patel, Advocate h/f Mr. Abhijeet P. Avhad, Advocate for
the applicant
Mrs. G. L. Deshpande, APP for the respondent/State

CORAM : N. R. BORKAR, J.

DATE : 14-10-2021

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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 452, 354, 354-A of the IPC and Sections
8 and 12 of the POCSO Act. The maximum punishment imposed by
the trial court is of three years.

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

4. It is submitted on behalf of the applicant that trial court failed to appreciate the evidence on record in its correct perspective and arrived at wrong findings. It is submitted that the applicant was on bail and he did not misuse the liberty granted to him. It is submitted that if sentence is not suspended the appeal will become infructuous. Accordingly it is submitted that substantive sentence be suspended and the applicant be released on bail.

5. On the other hand learned APP submits that the applicant is convicted for the serious crime punishable under Sections 452, 354, 354-A of the IPC and Sections 8 and 12 of the POCSO Act. It is submitted that considering the nature of offence sentence may not be suspended.

6. Admittedly, the applicant was on bail during the trial. Considering this fact and the fact that the applicant is sentenced to three years, I am inclined to suspend the sentence and release the applicant on bail. Hence, the following order is passed:

ORDER

- i. The application is allowed.
- ii. Substantive sentence imposed by the learned Special Judge (POCSO), Aurangabad on the applicant, in Special Case (POCSO) No. 229 of 2020 is suspended

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during the pendency of the appeal.

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

iv. Bail before the trial court.

[N. R. BORKAR, J.]

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