

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

**908 CRIMINAL APPLICATION NO. 2484 OF 2021
IN
APPEAL/524/2021**

**AVINASH KAILAS SHEJUL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Appellant : Mr.Deshpande Chaitanya C.
APP for Respondents-State : Mrs.G.L.Deshpande
Advocate for Respondent No. 2 : Mr. Parth S. Salunke (In Criminal
Appeal No. 524 of 2021)

...

CORAM : N.R. BORKAR , J.

DATE : 17th NOVEMBER, 2021.

P. C. :

1. This is an application under Section 389 of Code of Criminal Procedure (for short "Cr.P.C.") for suspension of sentence and to release the applicant on bail.

2. The applicant came to be convicted for the offence punishable under Section 354-A (2) of the Indian Penal Code (for short "I.P.C."), under Section 8 and 12 of the Protection of Children from Sexual Offences Act (for short "POCSO") Act, under Section 75 of the Juvenile Justice Act and Section 3/181 and 21(18)/177 and under Section 24 (2)/ 177 of the Motor Vehicles Act. The maximum sentence of imprisonment, which the learned trial Court has imposed upon the applicant is 3 years.

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

4. Learned counsel for the applicant submits that the applicant has been convicted for short term of sentence of 3 years only. It is submitted that the applicant has already undergone half of the sentence. It is submitted that considering the short term of sentence, it be suspended and the applicant be released on bail.

5. On the other hand, learned APP for Respondent-State and learned counsel for respondent No. 2 submits that the applicant is involved in serious crime of sexual assault. It is submitted that application be thus rejected.

6. This Court has already admitted the appeal filed by the present applicant. The applicant has already undergone more than half of the sentence. Considering these facts, I am inclined to suspend the sentence and release the applicant on bail. Hence following order is passed :

ORDER

a. Application is allowed.

b. The substantive sentence imposed by the trial Court vide impugned judgment and order dated 28.09.2021 is suspended and the applicant is released on bail on his executing a P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

c. Bail before the trial Court.

d. R.& P. be sent back to the concerned Sessions Court for preparation of paper book. After preparation of paper book the concerned Sessions Court shall sent back the R. & P. with paper book to this Court.

(N.R. BORKAR)
JUDGE

mahajansb/