

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

**CRIMINAL APPLICATION NO. 2572 OF 2021
IN
CRIMINAL APPEAL NO. 546 OF 2021**

Sanjay Shamrao Akkar,
Age : 22 Years Occ. Agriculture,
R/o. Bazar Galli, Jafrabad,
Dist. Jalna .. Applicant

V E R S U S

The State of Maharashtra,
Through the Police Station Officer,
Police Station, Jafrabad,
Dist. Jalna .. Respondent

....
Advocate for the Applicant : Mr. G.A. Kulkarni h/f
Mr. D.R. Deshmukh
A.P.P for Respondent-State : Mrs. G.L. Deshpande
....

**CORAM : N.R. BORKAR, J.
DATE : 28.10.2021**

PER COURT :-

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

2. The applicant came to be convicted for the offence punishable under Section 354 (A)(i) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to

pay fine of Rs. 1,000/- in default of payment of fine, to undergo rigorous imprisonment for three months. The applicant has been further convicted for the offence punishable under sections 7 and 8 of the Protection of Children From Sexual Offences Act, 2012 and sentenced to suffer Rigorous Imprisonment for three years and to pay fine of Rs. 1,000/- in default of payment of fine, to undergo rigorous imprisonment for three months.

3. I have heard the learned counsel for the applicant and learned A.P.P for respondent State.

4. Learned counsel for the applicant submits that due to political rivalry, the applicant came to be involved in crime in question. It is submitted that during the trial, applicant was on bail and did not misuse the liberty granted to the applicant. It is submitted that considering the nature of sentence, substantive sentence be suspended and the applicant be released on bail.

5. On the other hand, the learned A.P.P. for respondent State submits that accused is involved in the serious crime of sexual assault on minor girl. It is submitted that considering the nature of offence the applicant may not be released on bail.

6. The only allegation against the applicant is on the day of incident, while prosecutrix was going to her school, the present

applicant accosted her and told her to come with him, otherwise he would disclose her relations with Muslim boy to her maternal uncle. Considering the nature of allegations and short term of sentence I am inclined to suspend the substantive sentence imposed by the trial Court and release the applicant on bail till the final disposal of the appeal. Hence, the following order.

ORDER

- i) Application is allowed.
- ii) Substantive sentence imposed by the learned trial Court on the applicant, in Special Case (Child) No. 38 of of 2017 is suspended during the pendency of the appeal.
- iii) The applicant be released on bail on executing the PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.
- iv) Bail before the trial Court.

**(N. R. BORKAR)
JUDGE**

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