

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2717 OF 2021

IN

CRIMINAL APPEAL NO. 586 OF 2021

SHUBHAM SUNIL SHAHANE

VERSUS

THE STATE OF MAHARASHTRA

Mr.Sanket N. Suryawanshi, Advocate for the applicant.
Mr.R.B. Bagul, APP for the respondent/State.

CORAM : N.R.BORKAR, J.

DATED : 18.11.2021

PC :-

01. This is an application under section 389 of the Cr.P.C. The applicant came to be convicted for the offences punishable under sections 354, 354-D, 504, 506, 341 of the Indian Penal Code and section 12 of the Protection of Children from Sexual Offences Act, 2012. The maximum sentence awarded to the applicant is of one year imprisonment.

02. Learned Counsel for the applicant submits that there are lot of contradictions and omissions in the evidence of the victim. It is submitted that the

applicant was on bail during the trial and he did not misuse the liberty granted to him. It is submitted that considering the short sentence imposed upon the applicant, the sentence be suspended and the applicant be released on bail.

03. On the other hand, learned APP for the respondent/State submits that the applicant is involved in serious offence of outraging modesty of a minor girl. It is submitted that considering the nature of offence, the application be rejected.

04. Considering the fact that the applicant was on bail during the trial and short term of sentence, I am inclined to suspend the sentence and release the applicant on bail. In the result, following order is passed :-

O R D E R

(i) The application is allowed.

(3)

cria2717.21

(ii) The substantive sentence imposed by the Trial Court vide impugned judgment and order upon the applicant is suspended and the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in like amount.

(iii) Bail before the Trial Court.

[N.R.BORKAR,J.]