

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

**CRIMINAL APPLICATION NO. 547 OF 2022
IN
CRIMINAL APPEAL NO. 113 OF 2022**

Manish @ Maddy @ Manoj Dagadu Ahire ..APPLICANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

....

Mr. R.K. Temkar, Advocate for applicant

Mr. R.B. Bagul, A.P.P. for respondent no.1 – State

Mr. H.P. Kshirsagar, Advocate for respondent no.2

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CORAM : R.G. AVACHAT, J.

DATED : 18th APRIL, 2022

PER COURT :

1. Heard.

2. Learned counsel for Respondent No.2 – victim would submit that the victim was fifteen years of age at the relevant time. Her consent, if any, was, therefore, immaterial. Learned A.P.P. has also strongly objected to grant suspension of execution of substantive sentence of imprisonment. They urged for final hearing of the appeal.

3. Though learned counsel for the victim and learned A.P.P. urged to workout the appeal, there are number of appeals as well in que for hearing.

The applicant has been sentenced to suffer rigorous imprisonment for ten years against which he has already undergone a period of little over five years and seven months. Considering the quantum of sentence imposed and the fact that the appeal is not likely to come up for hearing in immediate future, the execution of substantive sentence of imprisonment to stand suspended pending the appeal. The applicant be released on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

4. Criminal application stands disposed of.

(R.G. AVACHAT, J.)

SSD