

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

**CRIMINAL APPLICATION NO.704 OF 2022 IN
CRIMINAL APPEAL NO.154 OF 2022**

Vikas @ Waghya Sadhu Sherkar ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. A.V. Lavte, Advocate for applicant
Mr. R.B. Bagul, A.P.P. for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 26th FEBRUARY, 2022.

PER COURT :

Heard. Leave to add victim as party respondent.
Issue notice returnable on 21st March 2022. Learned A.P.P.
waives service for the respondent No.1 – State.

2. The applicant has been convicted for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act and sentenced to suffer simple imprisonment for one year and to pay fine of Rs.10,000/-, in default to further undergo simple imprisonment for one month. The applicant is further convicted under Section 354(D) of the Indian Penal Code, however, no separate sentence is imposed. The applicant is also convicted for the offence punishable under Section 305 of the Indian Penal

Code and sentenced to suffer simple imprisonment for three years and to pay fine of Rs.20,000/-, in default to further undergo simple imprisonment two one month. The substantive sentences have been directed to run concurrently. The appeal filed by the appellant has been admitted by this Court.

3. The sentences awarded are short term sentences. The appeal is not likely to be heard in near future. Therefore, I am inclined to suspend the sentences and grant bail to the applicant pending the appeal. Hence the order :

ORDER

The criminal application is allowed. Pending the appeal, the substantive sentences imposed by the learned Judge, Special Court (POCSO Act), Majalgaon, District Beed by judgment and order dated 29/1/2022 in Special (POCSO) Case No.16/2016 are suspended and the applicant shall be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(R. G. AVACHAT)
JUDGE

fmp/-