

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

**CRIMINAL APPLICATION NO. 1057 OF 2022 IN
CRIMINAL APPEAL NO. 391 OF 2020**

Sanjay s/o Rangnath Haware

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. S. J. Salunke, advocate for the applicant
Mr. S. D. Ghayal, APP for Respondent No.1.

**CORAM : V.K.JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 24th March, 2022.

PC :

1 We have heard learned Counsel for the applicant for some time.

2 The learned A. P. P. submits that this application is filed for temporary bail in connection with conviction of the applicant-accused in Special Case (Child) No. 52/2015 dated 19.03.2020. The learned A. P. P. submits that the learned Special Judge, Jalna in Special Case (Child) No. 52/2015, vide judgment and order dated 19.03.2020, has convicted the present applicant along with one more accused persn for the offence punishable under Section 376-D of the Indian Penal Code and sentenced him

to suffer imprisonment for life, which shall mean imprisonment for the remainder of his life and also to pay fine of Rs.20,000/-, in default of payment of fine. to suffer rigorous imprisonment for three years.

3 The learned A. P. P. submits that in Special Case (Child) No. 51/2015, the learned Special Court, Jalna, by judgment and order dated 09.03.2020, has convicted the present applicant-accused for the offence punishable under Section 376 (2) (i) and 506 of the Indian Penal Code and under Section 6 of the POCSO Act and sentenced him to suffer imprisonment for life and to pay fine of Rs.10,000/-, in default of payment of fine, to suffer rigorous imprisonment for two years, for the offence punishable under Section 6 of the POCSO Act. The applicant was also sentenced to suffer imprisonment for a term of five years and shall pay fine of Rs.6000/-, in default of payment of fine, to suffer imprisonment for one year for the offence punishable under Section 506 (II) of the Indian Penal Code. No separate sentence has been awarded for the offence punishable under Section 376 (i) of the Indian Penal Code.

4 The learned A. P. P. submits that the applicant-accused has preferred two separate appeals against two judgments

and orders of conviction and sentence passed against him, as stated above, bearing Criminal Appeal No.391/2020 and Criminal Appeal No. 424/2020, respectively. In both the appeals, the applicant has filed an application for suspension of sentence and for bail. However, by a common order dated 17.02.2020, this Court (**Coram: Ravindra V. Ghuge & B. U. Debadwar, JJ.**) has dismissed the applications as withdrawn.

5 The learned A. P. P. submits that even if the applicant is granted bail in Criminal Appeal No.391/2020, however, on account of his conviction, for which he has preferred Criminal Appeal No. 424/2020, he will not be released on temporary bail.

6 Learned Counsel for the applicant has fairly accepted this legal position and thus, on instructions, seeks leave to withdraw the application.

7 Leave granted. Criminal Application is hereby dismissed as withdrawn.

(**SANDIPKUMAR C. MORE**)
JUDGE

(**V.K.JADHAV**)
JUDGE