

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

**CRIMINAL APPLICATION NO.1460 OF 2022 IN
CRIMINAL APPEAL NO.324 OF 2022**

Keshav s/o Krishna Jadhav

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. K.N. Shermale, Advocate for applicant
Mrs. G.L. Deshpande, A.P.P. for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 25th APRIL, 2022.

PER COURT :

Heard learned counsel for the applicant and
learned A.P.P. for respondent No.1 - State.

2. The applicant has been convicted for the offence punishable under Sections 363 and 366 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 5 years 6 years respectively with fine. The applicant has also been convicted for the offence punishable under Sections 376(2)(i) and 376(2)(n) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 10 years with

fine of Rs.2000/- on both counts. The applicant has also been convicted for the offence punishable under Section 4 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for 7 years and to pay fine of Rs.2000/-. All the substantive sentences have been directed to run concurrently.

3. It is submitted by learned counsel for the applicant that, the applicant has undergone 5 years and 8 months of imprisonment i.e. more than half of the sentences. The applicant was around 21 years of age at the relevant time, while the victim was 16 plus. It appears to be a case of emotional involvement. It will take time for coming the appeal for final hearing. Hence, pending the appeal, I am inclined to suspend the sentences and release the applicant on bail. Hence the order :-

ORDER

- (i) The application is allowed.
- (ii) Pending the appeal, the substantive sentences imposed against the applicant by learned Extra Joint District Judge and

Additional Sessions Judge, Sangamner by judgment and order dated 30/3/2022 in Special Case No.07/2017 are suspended and the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000./- (Rupees fifteen thousand).

**(R. G. AVACHAT)
JUDGE**

fmp/-