

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

**CRIMINAL APPLICATION NO.1507 OF 2022 IN
CRIMINAL APPEAL NO.240 OF 2021**

Jaykumar Ashok Sonawane ... APPLICANT

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. N.T. Tribhuwan, Advocate holding for
Mr. B.L. Sagar Killarika, Advocate for applicant
Mrs. G.L. Deshpande, A.P.P. for respondent
Mr. V.M. Lomte, Advocate for respondent No.2
.....

CORAM : R. G. AVACHAT, J.

DATE : 2nd MAY, 2022.

PER COURT :

The applicant has been convicted for the offence punishable under Section 376(2)(n) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for ten years ad to pay fine of Rs.3,00,000/-, in default to suffer S.I. for one year. The applicant is also convicted for the offence punishable under Section 417 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months an to pay fine of Rs.3000/-, in default to suffer S.I. for one month. Both the sentences have been directed to run

concurrently.

2. The applicant has been behind the bars for little over one year. His earlier application for suspension of substantive sentences was turned down. He was given liberty to move afresh after one year if the appeal could not be heard.

3. The victim was major at the relevant time. It is the case of breach of promise of marriage. It will take time for the appeal to be heard on its own merits. The applicant was 26 years of age at the relevant time. Since the appeal is not likely to be heard in immediate future, I am inclined to allow the application. Hence the order :

ORDER

(i) The application is allowed.

(ii) Pending the appeal, the substantive sentences imposed by learned Additional Sessions Judge, Jalgaon by judgment and order dated 31/3/2021, passed in Sessions Case No.130/2015 is 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.

4. Fees of Mr. V.M. Lomate, learned counsel who was
appointed to represent respondent No.2, is quantified at
Rs.6000/- (Rupees six thousand).

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

fmp/-