

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

**CRIMINAL APPLICATION NO.1677 OF 2022 IN
CRIMINAL APPEAL NO.371 OF 2022**

Amol s/o Ramdas Gaike

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....

Mr. Sanket Palnitkar, Advocate holding for
Mr. Chaitanya C. Deshpande, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent No.1 – State
Mr. Krishna Rodge, Advocate for respondent No.2 (appointed)

.....

CORAM : R. G. AVACHAT, J.

DATE : 20th JULY, 2022.

PER COURT :

Heard learned counsel for the parties. The applicant has been convicted for the offence punishable under Section 354-A(1)(i) of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act). For the offence punishable under Section 8 of the POCSO Act the applicant is sentenced to suffer simple imprisonment for three years and to pay fine of Rs.2000/-, in default to further undergo simple imprisonment for three months and for the offence punishable under Section 12 of the POCSO Act, the applicant is sentenced to suffer rigorous

imprisonment for one year and to pay fine of Rs.500/-, in default to further undergo simple imprisonment for one month. Both the sentences have been directed to run concurrently.

2. The appeal filed by the applicant is admitted by this Court. It is a short term sentence. The appeal is not likely to come up for final hearing in near future. Therefore, I am inclined to allow the application. Hence the order :-

ORDER

(i) The Criminal Application is allowed.

(ii) Pending the appeal, the substantive sentences imposed upon the applicant by the learned Special Judge (POCSO Act), Aurangabad in Spl. Case Child Prot. No.114/2015 by judgment and order dated 12/4/2022 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/-