

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

**CRIMINAL APPLICATION NO.1735 OF 2022 IN  
CRIMINAL APPEAL NO.398 OF 2022**

Santosh s/o Ashok Wadekar

**... APPLICANT**

**VERSUS**

The State of Maharashtra & anr.

**... RESPONDENTS**

.....

Mr. K.N. Shermale, Advocate for applicant

Mr. S.P. Sonpawale, A.P.P. for respondent No.1.

Ms Sayali S. Kulkarni, Advocate for respondent No.2

.....

**CORAM : R. G. AVACHAT, J.**

**DATE : 22nd JULY, 2022.**

**PER COURT :**

Heard learned counsel for the applicant.

2. The applicant has been convicted for the offences punishable under Sections 363, 366, 376(2)(i), 376(2)(n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act and has been sentenced to suffer maximum punishment of rigorous imprisonment for ten years with fine. The Criminal Appeal filed by the applicant is admitted by this Court.

2. The applicant was on bail pending trial. It is a case of emotional involvement. The victim herself had eloped with

the applicant. This being a criminal appeal, the entire evidence is to be reappreciated. It will take time for the appeal to come up for hearing. The victim is reported to have got married with someone else. The question is, whether the victim was below 18 years of age at the material time. Since the appeal is not likely to come up for final hearing in near future and the victim to have had eloped with the applicant, this Court is inclined to suspend the sentences and release the appellant on bail pending appeal. Hence the order :-

**ORDER**

- (i) The Criminal Application is allowed.
- (ii) Pending the appeal, the substantives sentences of imprisonment imposed by learned Extra Joint District Judge and Additional Sessions Judge, Sangamner in Sessions Case No.59/2015, by judgment and order dated 6/5/2022 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) with one surety in the like amount.
- (iii) Fees of Ms Sayali S. Kulkarni, learned Advocate, who is appointed for respondent No.2 is quantified at Rs.6000/- (Rupees six thousand) for the purpose of this Criminal Application.

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

fmp/-