

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

**CRIMINAL APPLICATION NO. 1975 OF 2022
IN
CRIMINAL APPEAL NO.444 OF 2022**

**SAMADHAN RAJENDRA MALI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....
Mr. G.R. Syed, Advocates for the Appellant
Mr. G.O. Wattamwar, APP for Respondent No.1 /State
Mr. V.P. Raje, Advocate for Respondent No.2
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 5 AUGUST, 2022

PER COURT:-

. It is an application for suspension of sentence and bail moved by the applicant/appellant.

2. Heard Mr.G.R. Syed, learned counsel for the applicant/appellant, Mr. Wattamwar, learned APP for respondent No.1/State and Mr. Raje, learned counsel for respondent No.2/victim.

3. Perused the impugned judgment and order of conviction passed by the learned Special Judge, Dhule in Special Case No. 17 of 2015, whereby the appellant came to

be convicted for the offences punishable under Sections 354-A(1)(i) of the Indian Penal Code and under Sections 8, 10 and 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. The maximum sentence awarded against the appellant is for five years. It is submitted during the course of argument that the applicant/appellant has deposited the entire fine amount in the trial court. The appellant was on bail during the trial. In these circumstances, the application needs to be allowed. Hence, the following order.

ORDER

- (i) The application is hereby allowed.
- (ii) The execution of substantive sentence passed against the applicant/appellant in Special Case No.17 of 2015 by the Special Judge, Dhule is hereby suspended till final decision of Criminal Appeal No.444 of 2022.
- (iii) The applicant/appellant shall be released on bail on his furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties of the like amount on following conditions :-

- (a) The applicant/appellant shall furnish his detailed address with Cell Number with the Trial Court and the concerned Police Station.
- (b) Bail before the trial court.
- (iv) The Criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane