

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

**CRIMINAL APPLICATION NO. 2385 OF 2022
IN
CRIMINAL APPEAL NO.541 OF 2022**

1. Shaikh Naim Shaikh Muse @ Musa
2. Shaikh Jarina Shaikh Naim ... Applicants

Versus

The State of Maharashtra

....

Mr. Satej S. Jadhav, Advocate for the Appellants
Mr. P.G. Borade, APP for Respondent/State

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 07 SEPTEMBER 2022

PER COURT:-

. It is an application for suspension of sentence and bail moved by the applicants/appellants (original accused Nos. 2 and 3).

2. Heard Mr. Satej Jadhav, learned counsel for the applicants/appellants (original accused Nos.2 and 3) and Mr. P.G. Borade, learned APP for the respondent/State.

3. It is revealed during the course of argument that the present applicants/appellants (original accused Nos.2 and 3) came to be convicted only under Section 10 of the Prohibition

of Child Marriage Act and sentenced to suffer rigorous imprisonment for three months and fine of Rs.5000/- each. It is informed that both the applicants/appellants (original accused Nos.2 and 3) have deposited the fine amount with the trial court. The said fact is also reflected on the last page of the operative order (page 51). They were on bail during the trial. There are no extraordinary circumstances to keep them behind the bars. It would be just and proper to suspend the sentence and release them on bail.

ORDER

- (i) The application is hereby allowed.
- (ii) The execution of substantive sentence passed against the applicants/appellants (original accused Nos.2 and 3) in Special Case (POCSO) No.196 of 2020 by the Special Judge (POCSO), Aurangabad is hereby suspended till final disposal of the appeal.
- (iii) The applicants/appellants (original accused Nos.2 and 3) shall be released on bail on their furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties of the like amount by each of them on following conditions :-
 - (a) They shall furnish their in detail address with Cell Numbers with the trial court.

- (b) Bail before the trial court.
- (iv) The Criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane