

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

CRIMINAL APPLICATION NO. 2511 OF 2022

IN

CRIMINAL APPEAL NO.569 OF 2022

ATMARAM BAPURAO LAGAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

....

Ms. Suvarna M. Zaware and Mr. S.B. Dushing, Advocates for
the Applicant

Mr. S.P. Deshmukh, APP for Respondent No.1 /State

....

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 Ms. Suvarna Zaware, learned counsel for the
applicant/appellant. She submitted that the applicant/
appellant was on bail during the trial. She has placed her
reliance in case of *Kiran Kumar Vs. State of M.P.* reported in
2001 AIR 5130 (SC). She submitted that the sentence needs
to be suspended.

3. Mr. S.P. Deshmukh, learned APP opposed to suspend the sentence having regard to the nature of the offences under the provisions of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

4. I have considered the submissions of the learned counsel for the appellant and the learned APP for the respondent No.1/State. The appellant was on bail during the trial. There are no extraordinary circumstances to keep the appellant behind the bars. It is a short term sentence awarded by the trial Court against the appellant. In view of ratio laid down in case of *Kiran Kumar Vs. State of M.P.* (supra) and looking to the short term sentence awarded against the appellant, it would be just and proper to suspend the sentence and release the applicant/appellant on bail. 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.451 of 2020 by the Special Judge, Ahmednagar is hereby suspended till final disposal of the Criminal Appeal No.569 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