

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

29 CRIMINAL APPLICATION NO. 2558 OF 2022
IN APEAL/576/2022

OMKAR SHIVAJI KULTHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rahul R. Karpe.

APP for Respondent/State: Mr. G. O. Wattamwar.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 29th August, 2022.

PER COURT.:

. It is an application for suspension of sentence and bail moved by the appellant/original accused No.2.

2 Heard Mr. Rahul Karpe, learned counsel for appellant/applicant and Mr. Wattamwar, learned APP for the respondent/State.

3 It is revealed during the course of argument that the appellant / original accused No.2 came to be convicted under Section 363 read with 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a period of three years and pay fine of Rs.1,000/- with default stipulation. It is submitted that the fine amount

has been deposited with the Trial Court. It is further revealed that this appellant / original accused No.2 was on bail during the trial. There are no extraordinary circumstances to keep the appellant/original accused No.2 behind the bars during the appeal period. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed.
- II. The execution of substantive sentence passed in Special (POCSO) Case No.102 of 2021 by the Judge, Special Court (POCSO Act), Shrigonda against applicant / original accused No.2 (Omkar Shivaji Kulthe), is hereby suspended till final decision of the appeal.
- III. The applicant/original accused No.2 shall be released on bail on his furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent sureties of the like amount on the following condition.

“The applicant/original accused No.2 shall furnish his in detail address with cell number

before the concerned Court as well as with the concerned police station.”

IV. Bail before the Sessions Court.

V. The criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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