

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

918 CRIMINAL APPLICATION NO.2967 OF 2022
IN APEAL/647/2022

PARMESHWAR @ GUDDU LAHU GADEKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. N. R. Thorat, h/f Mr. Manikrao Wankhade.

APP for Respondent/State: Mr. R. D. Sanap.

Advocate for Respondent No.2 : Mrs. Surekha G. Chincholkar. (Appointed)

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

DATE : 27th September, 2022.

Per Court :

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

2 Heard the learned counsels for the respective parties.

3 The learned counsel for the appellant / applicant submitted that the appellant was on bail during the trial. The maximum sentence awarded against the appellant is for three years in addition to fine. He submitted that the appellant / accused has deposited the entire fine amount with the Trial Court. He, therefore, urged to grant bail to the appellant / applicant by suspending the sentence.

4 The learned APP for the State and the learned counsel for respondent No.2 strongly opposed to grant bail to the applicant / accused in view of serious nature of offence proved against the applicant / accused. Both of them further submitted that the mother of the appellant has threatened to the victim girl just two days back. This fact needs to be considered while granting bail to the appellant and certain conditions need to be imposed so as to protect the victim.

5 I have considered the submissions of both the sides. It is an admitted position that the appellant / applicant was on bail during the trial. There are no criminal antecedents against the appellant / accused. The maximum sentence awarded against the appellant is of three years rigorous imprisonment. There are no extraordinary circumstances to keep the appellant / applicant behind the bars. There are no chances to take up this appeal for final hearing in near future. So far as apprehension put forth by the prosecution agency is concerned, that can be taken care of by imposing certain conditions. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed.
- II. The execution of substantive sentence passed by the learned Additional Sessions Judge, Jalna in Special

Case (Child) No.216 of 2021 against the applicant / accused, is hereby suspended till final decision of the appeal.

III. The applicant 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 following conditions :

- a) The applicant shall furnish his in detail address with cell number before the concerned Court.
- b) The applicant shall not make any attempt to threaten the victim girl by any means and shall not make any attempt to contact her.
- c) The mother of the appellant is also cautioned not to contact the victim girl during pendency of the appeal.
- d) Any breach of the conditions imposed by this Court would result in cancellation of bail.

IV. Bail before the Trial Court.

V. Inform to the concerned Court and police station accordingly.

VI. Respondent No.2 / victim girl is permitted to withdraw the amount of compensation deposited by the appellant with the Trial Court.

- VII. Mrs. Chincholkar, learned counsel is appointed to espouse the cause for respondent No.2. Her professional fees is quantified at Rs.5,000/-. The Secretary, High Court Legal Services Sub Committee, Aurangabad, is requested to make payment of professional fees as quantified above to Mrs.Chincholkar, learned counsel appointed for respondent No.2.
- VIII. The copy of bail order also be sent to the concerned police station with direction that the senior P.I. to monitor the activities of the present appellant / applicant in order to avoid any untoward incident in the future.
- IX. The criminal application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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