

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

**CRIMINAL APPLICATION NO. 3293 OF 2022
IN
CRIMINAL APPEAL NO.715 OF 2022**

**SHAIKH KALIM SHAIKH SALIM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....
Mr. V.V. Kabade, Advocate h/f Mr. S.S. Gangakhedkar,
Advocate for the Appellants
Mr. P.G. Borade, APP for Respondent No.1/State
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29 SEPTEMBER 2022

PER COURT:-

. The present application for suspension of sentence and bail is filed by the applicants/original accused.

2. Heard Mr. V.V.Kabade holding for Mr. S.S. Gangakhedkar, learned counsel for the appellants and Mr. Borade, learned APP for respondent No.1/State.

3. Perused the impugned judgment and order of conviction passed in Special (POCSO) Case No.30 of 2015 by the Extra D.J.-1 and Additional Sessions Judge Nanded dated 26.08.2022.

4. It is revealed during the course of argument that the appellants were on bail during the trial. The appellants came to be convicted by the trial Court only under Section 354 read with Section 34 of the Indian Penal Code, and directed to undergo R.I. for one year and pay fine of Rs. 1,000/- with default stipulation.

5. By looking to the small volume of sentence awarded by the trial Court, and looking to the facts of the case, it would be just and proper to allow this application. There are no extraordinary circumstances to keep them behind the bars. There is no chance to take up this appeal for final hearing in near future. Hence, the following order.

ORDER

- (i) The application is hereby allowed.
- (ii) The execution of substantive sentence passed against the applicants/accused in Special (POCSO) Case No.30 of 2015 by the Extra D.J.-1 and Additional Sessions Judge, Nanded, is hereby suspended till final disposal of the appeal.

- (iii) The applicant/accused shall be released on bail on their furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand only) with one or two solvent 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