

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

**CRIMINAL APPLICATION NO. 2858 OF 2021
IN
CRIMINAL APPEAL NO. 605 OF 2021**

Laxmikant Narayan Dhage

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. N.B. Narwade, Advocate for applicant

Ms. R.B. Gaur, A.P.P. for respondent no.1 – State

Mrs. M.N. Ghanekar, Advocate appointed for Respondent No.2

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CORAM : R.G. AVACHAT, J.

DATED : 06th JANUARY, 2022

PER COURT :

1. This is an application for suspension of substantive sentence of imprisonment. The applicant has been convicted for the offence under Section 7 punishable under Section 8 of Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.7,000/-, in default, to suffer rigorous imprisonment for three months.

2. Learned counsel for the applicant would submit that the applicant was on bail during the trial. It is a short term sentence. It will take time for the appeal to come up for hearing. He, therefore, urged for granting the bail.

3. Learned A.P.P. for State and learned counsel for Respondent No.2 (victim) would submit that there are two minor victims. The applicant committed a very serious offence against second victim. According to learned counsel, the applicant does not deserve release on bail pending the appeal. Therefore, they urged for listing the appeal for early hearing.

4. Considered the submissions advanced. The applicant was on bail during the trial. True, there are two minor victims. The applicant allegedly caught hold the hand of the first victim. Said conduct of the applicant was said to be sexual explicit. A milkman had seen the said incident and thereby the applicant could not do further overt act. The incident was immediately reported to the police. Child Line came to be approached. Thereupon it was revealed that the applicant had earlier intercepted another girl child i.e. second victim and gave his private part in her hand. So far as regards this incident is concerned, the same was reported to the police a month after the incident.

5. This Court proposes to restrain itself from making further submission regarding merits of the matter. Suffice it to say, since the applicant was on bail pending the appeal and there is least likelihood the appeal being heard in immediate future, the Court is inclined to allow the application. Hence, the following order :-

Pending the appeal, the execution of substantive sentence of imprisonment of the applicant to stand suspended. The applicant be released on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

6. Fees of Mrs. Ghanekar, learned counsel appointed for Respondent No.2 (victim) is quantified at Rs.7,000/- for this application.

7. Criminal application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD