

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

**CRIMINAL APPLICATION NO.3174 OF 2021 IN
CRIMINAL APPEAL NO.662 OF 2021**

Anil @ Nana s/o Vishnu Waghmare ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Ms A.V. Lavte, Advocate holding for
Mr. S.J. Salunke, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent No.1.
Mr. Shashikant Shekade, Advocate for respondent No.2.
.....

CORAM : R. G. AVACHAT, J.

DATE : 2nd FEBRUARY, 2022

PER COURT :

Heard. The applicant has been convicted for the offence punishable under Section 354(D)(i) of the Indian Penal Code and Section 7 read with 8 of the Protection of Children from Sexual Offences Act and has been sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.2000/- on each count. In default of payment of fine, he has been directed to undergo R.I. for three months. The applicant is also convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer

rigorous imprisonment for one year and to pay fine of Rs.1000/-, in default to suffer R.I. for three months. The substantive sentences have been directed to run concurrently.

2. Learned counsel for the applicant submits that, it is a case of short term sentence and the appeal is not likely to be heard in near future. She, therefore, urged for suspension of the sentence and releasing the applicant on bail pending the appeal.

3. Learned counsel for respondent No.2 took this Court through the evidence on record to submit that the offence has been duly made out. Even the teacher of the informant had witnessed the incident. As such, the applicant has no escape from criminal liability. He, therefore, urged for rejection of the application. Learned A.P.P. also opposed the application.

4. Since it is a short term sentence, and the appeal is not likely to be heard in near future, the criminal application is allowed. Pending the appeal, the substantive sentences imposed by the trial Court are suspended and the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the

like amount.

5. Fees of Mr. Shashikant Shekade, learned counsel is quantified at Rs.5000/- (Rupees five thousand) for the purpose of this Criminal Application.

**(R. G. AVACHAT)
JUDGE**

fmp/-