

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

**CRIMINAL APPLICATION NO. 3335 OF 2021
IN
CRIMINAL APPEAL NO. 698 OF 2021**

Sunil Ashok Pawar

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. K.N. Shermale, Advocate for applicant

Mr. R.B. Bagul, A.P.P. for respondent no.1 – State

Mr. U.A. Sayyed, Advocate for respondent no.2

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CORAM : R.G. AVACHAT, J.

DATED : 06th JANUARY, 2022

PER COURT :

1. Mr. U.A. Sayyed, learned counsel files power across the bar on behalf of Respondent No.2. Same is taken on record.

2. It appears that the victim did not stand by her version of the police statement in her evidence before the Court. The Trial Court also found the victim to have turned hostile. Perused the cross examination of the victim. She claimed to be nineteen years of age when her statement was recorded. She further testified that the appellant did not have sexual intercourse with her any time. The applicant is the cousin of the victim. He is twenty one years of age. It will take time for the appeal to come up for final hearing.

3. Learned counsel for the victim strongly opposed for grant of suspension of execution of substantive sentence of imprisonment.

4. In view of testimony of the victim and the fact that the appeal is not likely to be come up for final hearing in near future and the appellant being twenty one years of age, application is allowed in terms of following order :-

The execution of substantive sentence of imprisonment is suspended pending the appeal. The applicant be released on his executing P.R. bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like amount. His release shall be subject to deposit of fine amount, if not already deposited.

(R.G. AVACHAT, J.)

SSD