



3. The case of prosecution is that on 23<sup>rd</sup> August 2015 the accused no.1 approached the victim and caught her hand and asked her whether she would marry him. He also threatened her that in the event she refuses to marry him, she would be killed. Accused no.1 left the place. The victim informed the incident to her maternal uncle. On the same day in the evening accused no.1 again approached victim girl and caught her hand. The accused tried her to pull in dark. Applicant no.1 again threatened her. He also showed her knife. The victim shouted. Accused no.1 ran away from the spot. The victim told the incident to her family members. The brother of victim went to house of accused no.1 to enquire about the incident. Accused no.2 assaulted him and also threatened him. The FIR was registered on 24<sup>th</sup> August 2022.

4. The applicants were on bail during trial. There is no adverse report on misuse of facility of bail. On the date of conviction sentence was suspended by the Trial Court.

5. Learned counsel for applicants submitted that sentence is of short term. Appeal may not reach for hearing within short time. The applicants were on bail during trial.

6. Learned APP and learned advocate for respondent no.2 opposed the relief prayed in the application. It is stated that specific role has been attributed to the applicants. Knife was recovered during the course of investigation. There is no discrepancy in the evidence of witnesses.

7. Maximum sentence imposed by Trial Court is of three years. The applicants were on bail during trial. The applicant no.2 has been convicted for the offence u/s.323 of Indian Penal Code. Sentence of imprisonment was suspended by the Trial Court on the date of conviction. By way of interim relief this Court had suspended sentence by order dated 30<sup>th</sup> March 2022. Considering the circumstances, interim relief granted by this Court dated 30<sup>th</sup> March 2022 can be confirmed.

### **ORDER**

- (i) Interim Application No.1006 of 2022 is allowed and disposed of;
- (ii) Interim order dated 30<sup>th</sup> March 2022 passed by this Court is confirmed;
- (iii) Sentence of imprisonment imposed vide judgment and order dated 28<sup>th</sup> February 2022 passed by learned Additional Sessions Judge and Special Judge (POCSO), Nashik in Sessions Case (POCSO) No.281 of 2016 is suspended and applicants are directed to be released on bail on executing PR bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iv) The applicants are permitted to furnish cash bail in the sum of Rs.20,000/- each for a period of 10 weeks in lieu of sureties;
- (v) The applicants shall not approach the victim and her family members;
- (vi) The applicant shall not cause any harassment to the victim and her family in any manner;
- (vii) The applicant shall attend Trial Court once in six months on First Saturday of the month till disposal of the Criminal Appeal;
- (viii) In the event there are two consecutive defaults in attending

the Trial Court, the Trial Court shall submit report to this Court;

(ix) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST