

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.146 OF 2023
IN
CRIMINAL APPEAL (STAMP) NO. 331 OF 2023

Shubham Sunil Kulthe Applicant

Versus

The State of Maharashtra Respondent

.....
Ms. Pooj Agrawal, Advocate for the Applicant.

Ms. R.P. Gour, APP for Respondent – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 01st FEBRUARY, 2023

ORDER :

1. By this application, the applicant seeks suspension of his substantive sentence of imprisonment of 5 years imposed on him by the learned Additional Sessions Judge, Ahmednagar in Sessions Case No.219 of 2019, thereby convicting the applicant for offence punishable under section 363, 366 (A) of the Indian Penal Code along with total fine of Rs.3,000/-.

2. *Prima facie*, the case appears to be one-sided love. Considering the sentence awarded to applicant, which is a short term sentence and the fact that the applicant was on bail during the trial and he has not misused the facility of bail, the applicant is entitled for bail.

3. In the result, the application is allowed. Substantive sentence of imprisonment of the applicant is hereby suspended till final decision of the appeal.

4. The applicant be released on execution of Personal Bond of Rs.15,000/- with one surety in the like amount subject to condition that the applicant shall deposit fine amount in the trial Court.

5. During the pendency of appeal, the applicant shall not stay in the same vicinity or locality, where the victim is residing.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane