

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

**931 CRIMINAL APPLICATION NO.306 OF 2023
IN APEAL/49/2023
WITH
APEAL/49/2023**

Sagar Khushal Mahajan.

...Applicant

VERSUS

1. The State of Maharashtra

2. XYZ.

...Respondents

...

Advocate for Applicant : Mr.Pande Dipesh D.

APP for Respondent-State : Mr.N.T.Bhagat

Advocate for Respondent No. 2-Informant : Mrs.Jayashree Nawale
(appointed)

...

CORAM : R. G. AVACHAT, J.

DATE : 17.03.2023.

PER COURT :

1. Heard.

2. The applicant has been convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer maximum term of imprisonment of 5 years. The applicant is 24 years of age. True, the victim was 11 years of age at the relevant time. Considering it to be a short term sentence and the appeal is not likely to come up for

hearing by its turn in near future the applicant is being released on bail. In view of the same, the application is granted in terms of following order :

ORDER

- (a) The application is allowed.
- (b) Pending the appeal, the execution of the substantive sentence of imprisonment imposed upon the applicant by the learned Additional Sessions Judge-2, Amalner, in Special Case (POCSO) No. 40 of 2020, by the judgment and order dated 06.01.2023 to stand suspended and the applicant be released on bail on his executing P.R. bond of in the sum of Rs. 15,000/- (Rs. Fifteen Thousand Only) with one surety in the like amount on conditions that :-
 - (i) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.
 - (ii) The applicant shall not tamper with the prosecution evidence.

3. The fees of the learned Advocate for the informant respondent No. 2 be quantified for Rs. 6,000/- (Rs. Six Thousand Only), by the High Court Legal Services, Sub Committee, Aurangabad.

(R. G. AVACHAT)
JUDGE