

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

**903 CRIMINAL APPLICATION NO. 450 OF 2023 IN
CRIMINAL APPEAL NO.88 OF 2023**

**BHAUSAHEB KACHARU BHALERAO
VS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. T. D. Deshmukh, Advocate h/f Mr. S. G. Bobade, Advocate
for the applicant

Mr. P. M. Kulkarni, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 21st FEBRUARY, 2023

P. C.

1. This is an application for suspension of substantive sentence as awarded by the learned Special Judge (POCSO), Aurangabad vide judgment and order dated 22-12-2022 in Special Case (POCSO) NO. 69 of 2019 whereby the applicant is held guilty of the offences punishable under Sections 354 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act. The applicant is directed to suffer rigorous imprisonment for one year and to pay fine of Rs.500/- in default to suffer simple imprisonment for a week for the offence punishable under Section 354 of the IPC. He is further directed to suffer rigorous imprisonment for three years and to pay fine of Rs.1000/- in default to suffer simple imprisonment for fifteen days for the

offence punishable under Section 8 of the POCSO Act and further he is directed to suffer rigorous imprisonment for six months and to pay fine of Rs.500/- in default to suffer simple imprisonment for a week for the offence punishable under Section 12 of the POCSO. The applicant has paid fine amount on the date of judgment itself. He prayed for suspension of substantive sentence till the appeal period. It is submitted at the bar that sentence is suspended till the appeal period which is coming to an end by tomorrow. A prayer is made for suspension of substantive sentence pending the appeal. It is submitted that during the trial the applicant was on bail and there is no complaint of misuse of liberty. Sentence is a short sentence.

2. Heard the learned advocate for the applicant and learned APP for the respondents/State.

3. The applicant shall abide by the conditions imposed by this court. This court finds that since it is a short sentence and the appeal is not likely to be heard in near future the sentence as awarded by the learned Special Judge (POCSO) deserves to be suspended till the appeal period. Hence, the following order:-

ORDER

a] The application stands allowed.

b] The substantive sentence awarded by the learned Special Judge (POCSO), Aurangabad for the offence punishable under Sections 354 of the IPC and Sections 8 and 12 of the POCSO Act stands suspended pending the appeal.

c] The applicant be released on furnishing PR bond of Rs.15,000/- [Rupees Fifteen Thousand] with one solvent surety in the like amount.

d] The applicant shall provide the contact details/ address, mobile number etc. if there is change to the concerned police station.

[KISHORE C. SANT, J.]

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