

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

**966 CRIMINAL APPLICATION NO.1055 OF 2023  
IN APEAL/233/2023**

Samadhan Parlhada Patil.

...Applicant

**VERSUS**

1. The State of Maharashtra

2. X.Y.Z.

...Respondents

...

Advocate for Applicant : Mr.Patil Vijay Bhalerao

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

...

**CORAM : R. G. AVACHAT, J.**

**DATE : 03.05.2023.**

**PER COURT :**

1. Heard.

2. This application is for suspension of execution of substantive sentence of imprisonment of 10 years.

3. The applicant has been convicted for the offences punishable under Sections 376(2), 452 and 506 of the Indian Penal Code and Section 4 and 6 of the Protection of Children from Sexual Offences Act. The maximum sentence he is

supposed to undergo is of 10 years since all sentences have been directed to run concurrently.

4. Pending the trial, the applicant was on bail. The victim did not name the applicant in the First Information Report. It is only in her subsequent statement, she named the applicant. The D.N.A. report ruled out that the applicant to be biological father of the newly born child, which died later on. As such, except the testimony of the victim, there is nothing against the applicant. These are the prima-facie observations. Hence, the application is allowed in terms of the following order :

#### **ORDER**

- (a) The application is allowed.
- (b) Pending the appeal, the execution of substantive sentences of imprisonment imposed upon the applicant by the learned Additional Sessions Judge, Bhusawal in Special (POCSO) Case No. 03 of 2016, by the judgment and order dated 09.02.2023 to stand suspended and the applicant is released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety each in the like amount.

**( R. G. AVACHAT )  
JUDGE**

mahajansb/