

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

**941 CRIMINAL APPLICATION NO.1128 OF 2022
IN APEAL/26/2018**

Premkumar s/o Sukhdeo Bansode ...Applicant

VERSUS

1. The State of Maharashtra

2. X ...Respondents

...
Advocate for Applicant : Mr.Salunke Sudarshan J.
APP for Respondent State : Mr.A.A.Jagatkar
Advocate for Respondent No. 2 : Mr. Y.P. Jadhav
...

CORAM : R. G. AVACHAT, J.

DATE : 04.05.2023.

ORDER :

1. The appeal has been reserved for the judgment. The Court has perused the evidence. It prima-facie appears that the applicant's/appellant's position as Police Sub Inspector was in no way, connected with the offence in question. On merits, the applicant may be convicted for the offence punishable under Section 4 of the Protection of Children from Sexual Offence Act, I.e. for the offence of penetrative sexual assault. The offence took place way back in 2016.

2. As against ten years of imprisonment, the applicant/appellant is behind the bars for about 6 years and 8 months and in terms of remission, he is behind the bars for little over 7 years and 1/2 months. This Court, therefore, finds that this is a fit case to suspend the execution of substantive sentence, pending the decision of this appeal.

3. In view of the same, the execution of substantive sentence of imprisonment stands suspended.

4. The appellant shall execute a P.R. bond in the sum of Rs. 15,000/- (Rs. Fifteen Thousand) and a surety bod in the like amount.

(R. G. AVACHAT)
JUDGE

mahajansb/