

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

**904 CRIMINAL APPLICATION NO.1123 OF 2023
IN APEAL/644/2018**

Rupchand Tekchand Tirchhe, ...Applicant

VERSUS

1. The State of Maharashtra,

2. X.Y.Z. (Victim) ...Respondents

...
Advocate for Applicants : Mr. Shaikh Kayyum Najir
APP for Respondents-State : Mr. N. T. Bhagat
Advocate for Respondent No. 2 : Mr. Ujwal S. Patil
...

CORAM : R. G. AVACHAT, J.

DATE : 29.03.2023.

PER COURT :

1. Heard. Issue notice to the respondents, returnable on 12.04.2023. The learned APP waives service of notice for respondent No. 1-State.

2. This application has been moved for temporary suspension of execution of substantive sentences of imprisonment. The applicant has been convicted for the offences

punishable under Section 376(D), 394, 323, 504, 506 of the Indian Penal Code and under Section 3 punishable under Section 4 of the Protection of Children from Sexual Offences Act, by the Special Judge and Additional Sessions Judge, Auangabad in Special Case (POCSO) No. 119 of 2015. The maximum sentence awarded is 20 years for the offence punishable under Section 376(D) of the Indian Penal Code.

3. The applicant prays for temporary bail on the ground that the marriage of his daughter is scheduled on 07.04.2023.

4. The learned Advocate for the victim and the learned APP for the State have strong reservations to allow the application. They would submit that if the Court is inclined to allow the application, some stringent conditions may be imposed on the applicant.

5. Since the marriage of daughter of the applicant/convict is there on 07.04.2023, this Court is inclined to release him for a period of three weeks from the date of his actual release from the prison. In view of the same, the

application is allowed in terms of following order :

ORDER

- (a) The application is allowed.
- (b) The applicant/appellant be released on his executing of PR bond in the sum of Rs. 10,000/- (Rs. Ten Thousand Only) and a surety in the like amount on following conditions :-
 - (i) The applicant shall mark his presence at the Chhawani Police Station, Aurangabad once in a week excluding the day of marriage and a preceding day.
 - (ii) The applicant shall surrender back to the jail on 22nd day of his release from jail.

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

mahajansb/