

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

**943 CRIMINAL APPLICATION NO. 1440 OF 2023
IN APEAL/326/2023**

Malikarjun s/o Manikappa Mhetre, ...Applicant

VERSUS

1. The State of Maharashtra

2. X.Y.Z. ...Respondents

...
Advocate for Applicant : Mr.Kale Gopal D.
APP for Respondent No.1-State : Mr.N.T.Bhagat
...

**CORAM : R. G. AVACHAT, J.
DATE : 19.04.2023.**

PER COURT :

1. Heard.

2. Issue notice to the respondents, returnable on 04.05.2023. The learned APP waives service of notice for the respondent No. 1-State.

3. The applicant has been convicted for the offence punishable under Section 376 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 7 years. Pending the trial the applicant was on bail. Considering it to be a short

term sentence and that the appeal is not likely to be heard in the near future, it is a good case to suspend execution of the substantive sentence of imprisonment. 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 sentence of imprisonment imposed upon the applicant by the learned Additional Sessions, Judge, Udgir, in Sessions Case No. 33 of 2016 by the judgment and order dated 31.03.2023 to stand suspended and the applicant be released on bail on his executing P.R. bond/s in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety each in the like amount.

(R. G. AVACHAT)
JUDGE

mahajansb/