

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 CRIMINAL APPLICATION NO.2169 OF 2023
IN APEAL/529/2023 WITH APEAL/529/2023

SOHAM @ SONU MANNULALA MEGHWAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Sohail Subhedar h/f Mr. N.S. Ghanekar
APP for Respondents: Mr. G. O. Wattamwar
Advocate for Respondent No. 2 (appointed) : Mr. A. R. Syed

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CORAM : R. M. JOSHI, J.
DATE : 19th AUGUST, 2023

PER COURT :

1. Learned counsel for the applicant states that the applicant is sentenced to suffer maximum imprisonment for three years for the offence punishable under Section 354, 427, 452 of the Indian Penal Code r/w Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Learned counsel for the applicant / appellant submits that if the applicant/appellant is required to undergo substantive sentence, the appeal would become infructuous.

2. The statement made by learned counsel for the applicant / appellant is opposed by the learned advocate for the victim. She submits that considering the nature of offence which is against the society, this is not a fit case to suspend the substantive

sentence imposed upon the applicant. Attention is also drawn to the observations made by the learned trial Court while handing down the judgment of conviction.

3. There is no denial of the fact that this appeal cannot be taken up for hearing in the near future. Calling upon the applicant to undergo substantive sentence would frustrate the very purpose of instant appeal and hence, the application is allowed on the following conditions : -

ORDER

- [i] The applicant shall be released on bail on his furnishing P.R. bond of Rs. 15,000/- with two solvent sureties in the like amount.
- [ii] Bail before the trial Court.
- [iii] The substantive sentence imposed against the applicant by judgment and order dated 16.05.2023 in Spl. (Atrocity) Case No. 396/2020, stands suspended till the decision of the appeal.

[R. M. JOSHI]
JUDGE

SG Punde