

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.2384 OF 2022
IN
CRIMINAL APPEAL NO.541 OF 2022**

Juber Shaikh Naim Shaikh
Vs.
The State of Maharashtra
and anr.

..Applicant

..Respondents

Mr.S.S.Jadhav, Advocate for applicant
Mr.A.S.Shinde, APP for respondent no.1
Ms.Sayali Kulkarni, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : MARCH 08, 2023**

ORDER :-

Heard.

2. At the relevant time, the victim was aged about 16 years and 8 months. The applicant was 22 years of age. It was consensual relationship and even both of them got married to each other.

3. The applicant has been in jail for about eight months. He was behind the bars for about four months during investigation and trial of the case.

4. Learned counsel for the respondent-victim and learned APP representing the State have strong reservations to allow the

application for suspension of substantive sentence. However, in the aforesaid factual backdrop, this Court is inclined to allow the application.

5. Hence, during pendency of the appeal, the substantive sentence of imprisonment to stand suspended. The applicant be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

6. The application stands disposed of.

7. Fee of learned counsel for respondent no.2 (appointed) is quantified at Rs.7,000/- (Rupees Seven Thousand).

[R.G. AVACHAT, J.]

KBP