

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

**910 CRIMINAL APPLICATION NO.2437 OF 2023
IN APEAL/595/2023**

**UMESH SAHEBRAO KAPASE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. Dnyaneshwar Pokale, Advocate for the applicant.
Mr. R.D. Sanap, A.P.P. for respondent No.1 – State.
Ms. Sumedha Thombre, Advocate for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 5th September 2023.

ORDER:-

1. Heard rival submissions.
2. The applicant, who is original accused, is seeking suspension of his substantive sentence of imprisonment for 3 years, for offence punishable under Sections 354, 354-A of the Indian Penal Code and under Section 8 of POCSO Act in Special Case No. 11 of 2022.
3. The learned Counsel for respondent No.2 Victim and the learned A.P.P. strongly opposed the application on the ground that the conviction is recorded by the learned Trial Court after considering the entire evidence on record. However, it appears that the present applicant / accused was on bail throughout the trial. Moreover, he has also paid the fine amount and this Court vide interim order dated 11.07.2023 has already suspended the applicant and released him on bail. The said order is continued till today. In view of the same, following order is passed

ORDER

- (i) The interim order dated 11.07.2023 stands confirmed on the same conditions.
- (ii) Bail in lower Court.
- (iii) The fees of the learned appointed Counsel for respondent No.2 is quantified as per Rules.

(SANDIPKUMAR C. MORE, J.)