

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

**CRIMINAL APPLICATION NO.2575 OF 2022
IN APEAL/704/2022**

**AKASHYA S/O YUVRAJ GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. Pratik Kothari, Advocate h/f Mr. Dnyaneshwar J. Patil, Advocate
for Applicant

Ms. R. P. Gour, APP for Respondents – State

Mr. D. M. Hange, Advocate for Respondent No.2 (Appointed)

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 13th FEBRUARY, 2023

PER COURT :

1. By this application, the applicant seeks suspension of his substantive sentence of imprisonment of 5 years imposed by the Additional Sessions Judge-5, Aurangabad, in Special Case No.78/2019, thereby convicting the applicant for offences under sections 354, 354-D(1)(i), 452 of the Indian Penal Code and under sections 8 and 12 of the Protection of Children from Sexual Offences Act, along with total fine of Rs.8,000/-.

2. The substantive sentence of imprisonment of the applicant, is a short term sentence. The applicant was on bail during the trial and he has not misused the facility of bail. The applicant is, therefore, entitled for bail.

3. In the result, the application is allowed. Substantive sentence of imprisonment of the applicant is hereby suspended till final decision of the appeal.

4. The applicant be released on execution of Personal Bond of Rs.15,000/- with one surety in the like amount, subject to condition that the applicant shall deposit fine amount in the trial Court.

5 During the pendency of appeal, the applicant shall not stay in the same lane, where the victim is residing.

6. Fees of the learned advocate Mr. Dnyanehwar J. Patil appointed to represent the applicant is quantified at Rs.2,500/-. High Court Legal Services, Sub-Committee, Aurangabad, to pay the same within a period of four weeks from today.

7. Fees of the learned advocate Mr. D. M. Hange, appointed to represent respondent No.2 is quantified at Rs.2,500/-. High Court Legal Services, Sub-Committee, Aurangabad, to pay the same within a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)