

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3619 OF 2022
IN
CRIMINAL APPEAL NO.821 OF 2022

Ganesh Shahaji Parkale Applicant

Versus

The State of Maharashtra
and another Respondents

.....
Mr. Ajit B. Chormal, Advocate for the Applicant
Mr. V.S. Badakh, APP for Respondent No.1 – State
Mr. R.C. Bora, Advocate (appointed) for Respondent No.2
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th JANUARY, 2023

ORDER :

1. This is an application seeking suspension of sentence of imprisonment awarded to applicant by learned Additional Sessions Judge, Ahmednagar in Special Case No. 264 of 2019, thereby convicting the applicant for offence punishable under section 376(2)(n) of the Indian Penal Code and under sections 4, 6 and 8 of the Protection of the Children from Sexual Offences (POCSO) Act, and sentencing him to suffer rigorous imprisonment for a period of 10 years and fine of Rs.5,000/-in default to suffer simple imprisonment for one month under section 6 of the Protection of the Children from Sexual Offences (POCSO) Act.

2. Heard the learned advocate for the applicant, learned Additional Public Prosecutor for the respondent No.1-State and learned advocate for respondent No.2. Perused the impugned judgment, and the evidence brought on record by the prosecution.

3. *Prima facie*, there appears sufficient evidence on record to sustain the conviction of applicant. Since substantive sentence of 10 years imprisonment imposed on the applicant, it is not a fit case to grant bail to the applicant during the pendency of appeal.

4. Application is, therefore, rejected.

5. Fees of the learned advocate Mr. Rupeshkumar C. Bora 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]
JUDGE

S.P. Rane