

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

**80 CRIMINAL APPLICATION NO. 3689 OF 2022
CRIMINAL APPEAL NO.839 OF 2022**

**KAKASAHEB ASHOK NANNAWARE
VS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Ajinkya Reddy, Advocate for the applicant
Mr. Ujwal S. Patil, Advocate for the respondent No.2
Mr. S. R. Yadav-Lonikar, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 17th APRIL, 2023

P. C.

1. Heard.

2. This is an application seeking suspension of substantive sentence awarded by the learned Judge, Special Court (POCSO Act), Shrigonda dated 12-10-2022 in Special (POCSO) Case No. 81/2019. The applicant is held guilty of the offences punishable under Sections 354(A)(1)(i), 506 of the Indian Penal Code and Section 7 & 8 of the POCSO Act. He is directed to suffer R I for one year and to pay fine of Rs.1000/- in default to suffer S I for two months for the offence punishable under Section 354(A)(1)(i). He is further directed to suffer R I for one year and to pay fine of Rs.1000/- in default to suffer S I

for two months for the offence punishable under Section 506 of the IPC. He is also directed to suffer R I for three years and to pay fine of Rs.5000/- in default to suffer S I for six months for the offence punishable under Sections 7 & 8 of the POCSO Act.

3. Learned APP opposes the application saying that the applicant is convicted for the offences under the POCSO Act.

4. Considering that sentence is short sentence this court finds that it would be in the interest of justice to suspend the substantive sentence pending the appeal. Therefore, the following order:-

ORDER

a] The criminal application stands allowed.

b] Substantive sentence as awarded by the learned Judge, Special Court (POCSO Act), Shrigonda dated 12-10-2022 in Special (POCSO) Case No. 81/2019 is hereby suspended pending the appeal.

c] The applicant be released on bail on furnishing PR bond of Rs.15,000/- [Rupees Fifteen Thousand] with one solvent surety in the like amount on the following conditions:

(3)

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i] The applicant shall provide the contact details like mobile number and address, in case of any change to the concerned police station.

d] Learned advocate for the respondent No.2 is appointed through Legal Aid. His fees is quantified Rs.5000/- to be paid by the Legal Aid.

[KISHORE C. SANT, J.]

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