

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3785 OF 2022
IN
CRIMINAL APPEAL NO. 915 OF 2022

Sunil Prakash Gajbhare ..APPLICANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

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Mr. S.S. Jadhav, Advocate for applicant
Mr. A.A. Jagatkar, A.P.P. for respondent no.1 – State
Mr. Rahul Tambe, Advocate for respondent no.2

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CORAM : R.G. AVACHAT, J.
DATE : 16th MARCH, 2023

PER COURT :

1. The applicant has been convicted for the offence punishable under Sections 3 and 4 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.5,000/-, in default, to suffer simple imprisonment for one month.

2. The applicant has been in jail since 11th October, 2020 i.e. little over two and half years. It appears that it was a consensual relationship. True, the victim was just little over fourteen years of age. The fact that the applicant was of twenty-one years of age cannot be lost sight of. The Apex Court in case of Sonadhar Vs. The State of Chattisgarh, has observed that

sentence of imprisonment for a term of ten years is a short terms sentence. The appeal is of 2022. Same is not likely to come up for hearing in near future by its turn. Hence, inspite of there being strong reservation by learned A.P.P. and learned counsel for the victim, the Court is inclined to suspend execution of substantive sentence of imprisonment. The fine amount has been deposited.

3. In view of above, the execution of substantive sentence of imprisonment to stand suspended, pending the appeal. 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.

4. Criminal application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD