

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1302 OF 2023
IN
CRIMINAL APPEAL NO.416 OF 2023

Aarati Sanjay Ghadage	Applicant
versus	
The State of Maharashtra and another	Respondents

WITH
INTERIM APPLICATION NO.1360 OF 2023
IN
CRIMINAL APPEAL NO.429 OF 2023

Goshpak L. Sayyad @ Raju @ Baba Sayyad	Applicant
versus	
The State of Maharashtra and others	Respondents

Mr.Rakesh Bhatkar with Mr.Mohan N. Devkule and Mr.Mohit Dalvi,
Advocate for Applicants in both applications.
Ms.PN.Dabholkar, APP, for State.
Ms.Meghna Gowalani, Advocate for Respondent no.4 victim.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th June 2023

PC :

1. Interim Application No.1360 of 2023 is not on board. Upon mentioning taken on board.
2. The applicants in both the Interim Applications are seeking suspension of sentences and grant of bail pending criminal appeals preferred by applicants challenging the impugned judgment and order.
3. The applicants/original accused nos.2 and 3 are the husband and wife. They are convicted for offences punishable under Sections 363, 365, 366 and 366A of IPC and maximum sentence imposed

upon applicants is to suffer imprisonment of five years.

4. The case of prosecution is that incident of sexual assault had occurred in the premises belonging to the applicants. It is also alleged that applicants had provided shelter to the accused and victim.

5. Applicants were on bail during trial. Sentence is of short term. Learned APP and advocate for Respondent no.2 opposed the suspension of sentence and grant of bail. It is submitted that applicants have aided and abetted the applicants in commission of crime.

6. Considering the fact that applicants were on bail during trial, the grounds urged in appeal, and sentence of short term, case for suspension of sentence is made out.

ORDER

(i) Interim Application No.1302 of 2023 and Interim Application No.1360 of 2023 are allowed and disposed off;

(ii) The substantive sentence of imprisonment imposed vide judgment and order dated 4th March 2023 in Special Case No.6 of 2021 by Extra Joint District Judge & Additional Sessions Judge, Ratnagiri, is suspended till final disposal of criminal appeal, and applicants are directed to be released on bail on executing PR bond in the sum of Rs.20,000/- each with one or two sureties in the like amount;

(iii) The applicants shall report Ratnagiri City Police Station once in six months on first Saturday of the month between 11 am and 1 pm till final disposal of respective criminal appeal.

(PRAKASH D. NAIK, J.)

MST