



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

**920 CRIMINAL APPLICATION NO. 1627 OF 2024
IN APEAL/367/2024**

MAINUDDIN AHMADALI KAZI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.S.S. Bora, Advocate for the applicant.
Mr.S.M. Ganachari, APP for the respondent-State.
Ms.Shilpa Aurangabadkar, Advocate (appointed) for respondent No.2.

CORAM : KISHORE C. SANT, J.
DATE : 06.08.2024

PC :-

01. This application is for suspension of substantive sentence awarded by the Special Judge, Osmanabad by its judgment and order dated 16.03.2024 in Special Case No.45 of 2021. By the impugned judgment and order, the applicant is held guilty for the offence punishable under section 354-A of the IPC and section 8 of the Protection of Children from Sexual Offences Act, 2012. The maximum sentence awarded is three years and to pay fine of Rs.5000/-. Fine amount is already paid. The applicant was on bail during the trial. Presently, this Court is not in a position to take up the matters pertaining to the year 2024 for final hearing.

02. Considering all these factors, this Court is inclined to allow the application.

03. Hence, following order :-

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence awarded to the applicant by the Special Judge, Osmanabad vide judgment and order in Special Case (POCSO) No. 45 of 2021 dated 16.03.2024, is suspended.
- (iii) The applicant shall be released on bail on executing PR bond and solvent surety in the sum of Rs.15,000/- (Rupees Fifteen Thousand).
- (iv) The applicant shall not try to contact the victim or her relatives or any other witness examined in the trial.
- (v) The applicant shall give his contact details, such as, residential address, mobile number etc. to the concerned police station.
- (vi) The fees of learned Advocate Ms. Shilpa Aurangabadkar appointed for respondent No.2 is quantified at Rs.3000/- (Rupees Three Thousand Only) to be paid to her by High Court Legal Services Sub-Committee, Aurangabad.

[KISHORE C. SANT, J.]