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

**908 CRIMINAL APPLICATION NO. 1862 OF 2024
IN APEAL/436/2024**

MADAN RANGNATH DIVE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

Mr. S. E. Shekade, Advocate for the applicant

Mr. S. K. Shirse, APP for the respondents/State

Mr. Jitendra S. Jain, Advocate for respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 07th AUGUST, 2024

P. C.

1. This application for release of the applicant on bail and for suspension of sentence awarded by the learned Additional Sessions Judge, Ahmednagar in Special Case No.35/2023 dated 18-04-2024. The applicant is held guilty for the offence punishable under Sections 8 and 12 of the PCOSO Act. Sentence awarded under section 8 is for three years and to pay fine of Rs.10,000/-, in default to suffer RI for six months. Under section 12 the applicant is directed to under go

imprisonment for one year and to pay fine of Rs.5000/-, in default to suffer RI for 2 months. The applicant is in custody since 25-12-2022. Till now the applicant has thus suffered more than half of the sentence and since sentence is short sentence of three years, this court is inclined to allow the application.

2. Learned APP and learned advocate appointed for respondent No.2 have vehemently opposed the application.

3. However, for the reasons stated in above paragraph, this application is allowed. The substantive sentence awarded by the learned Additional Session Judge, Ahmednagar in Special Case No.35/2023 stands suspended on executing PR bond of Rs.15,000/- with one solvent surety in the like amount, on following conditions:

- a] The applicant shall not try to contact the victim or her family members and witnesses in the trial.
- b] The applicant shall not enter into the Rahata Taluka.

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4. Learned advocate for the respondent No.2 appointed shall be entitled to receive an amount of Rs.3000/- for appearing in this application.

5. The application stands disposed off.

[KISHORE C. SANT, J.]

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