

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 231 OF 2015
IN
CRIMINAL APPEAL NO. 189 OF 2015

Gaus s/o. Mohd. Shaikh **....Applicant.**

Versus

The State of Maharashtra **....Respondent.**

Mr. M.S. Choudhary, Advocate for applicant.

Mr. N.B. Patil, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 24th February, 2015.

ORDER :

1. The application is filed for suspension of substantive sentence give to the appellant in Sessions Case No. 14/2013 by the learned Additional Sessions Judge, Ahmedpur, district Latur. The appellant is convicted and sentenced for offences punishable under sections 376 etc. of I.P.C. and sentence of imprisonment of R.I. of 10 years is given to him. Fine amount of Rs. fourteen thousand is also imposed.

2. The reasoning given and the evidence show that the prosecutrix was aged about 35 years. After the death of her husband, she had come in contact with present appellant and that was prior to four years prior to the date of report. She had

kept relations with him and then she was carrying of six months. Allegations are made that present applicant then did not marry with prosecutrix when he had promised to marry with her prior to establishing the relations with her. In view of this material, D.N.A. report etc., the aforesaid conviction and sentence is given. Statement is made by the learned counsel for the appellant that he was on bail during trial. That can be also seen from the operative part of the order. The learned counsel for the applicant made a statement that entire fine amount of Rs. 14,000/- has been deposited by the appellant. He has produced copy of receipt along with the application.

3. In view of these circumstances, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 30,000/- (Rupees thirty thousand) with one solvent surety of like amount. Hamdast allowed.

[T.V. NALAWADE, J.]

ssc/