

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

CRIMINAL APPLICATION NO. 717 OF 2015
IN
CRIMINAL APPEAL NO. 143 OF 2015

Sandip Hilal Baviskar

....Applicant.

Versus

The State of Maharashtra

....Respondent.

Mr. P.B. Patil, Advocate for applicant.

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

CORAM : T.V. NALAWADE, J.
DATED : 23rd February, 2015.

ORDER :

1. The application is filed for suspension of substantive sentence. The appellant is convicted and sentenced for offence punishable under section 376 of I.P.C. Imprisonment of five years R.I. is given.

2. It appears that applicant is cousin brother in law of prosecutrix. He has taken prosecutrix to other place by giving false promise of marriage. She is having a daughter. Then he refused to marry and the case came to be filed. In view of the nature of evidence given against the applicant, this Court holds that substantive sentence needs to be suspended. The learned counsel for the applicant made a statement that bail was

granted to him and he was taken in custody on 10.3.2014 only because he did not turn up to face the trial and since then he is behind bars.

3. In the result, the application is allowed. Substantive sentence is suspended. He 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 and only after depositing the fine amount in the trial Court and not before that.

[T.V. NALAWADE, J.]

ssc/