

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO.2593 OF 2015**  
**IN**  
**CRIMINAL APPEAL NO.417 OF 2015**

Satish Subhash Vairale ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.P.V.Barde, advocate for applicant

Mrs.B.B.Gunjal, APP for respondent

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**CORAM : M.T. JOSHI, J.**

**DATE : JUNE 19, 2015**

**PER COURT :**

Heard both sides.

2] Present applicant/appellant was acquitted from the offence punishable under Section 376 of Indian Penal Code finding that commission of rape was not proved. The applicant/appellant, however, was convicted for the offences punishable under Section 363 and 366 of Indian Penal Code and was sentenced to suffer simple imprisonment for five

years. The sentences were made to run concurrently. Learned Sessions Judge has also concluded that the prosecutrix, who had reached the age of understanding i.e. 14 years, on her own consent, had gone with the applicant/appellant.

3] Considering all the facts on record, in my view, the applicant/appellant can very well be released on bail by suspending substantive sentence during pendency of the appeal.

4] In the circumstances, bail granted by this Court vide order dated 29th May, 2015 is hereby made absolute on the same terms and conditions, during pendency of the appeal.

5] The application is allowed and disposed of accordingly.

**[M.T. JOSHI, J.]**

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2] **Admit.** Learned APP waives notice for  
respondent - State.

3] Printing of the paper is dispensed with.

**[M.T. JOSHI, J.]**

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