

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3223 OF 2014

IN

CRIMINAL APPEAL NO. 538 OF 2015

Nana @ Nanya Anil Pawar,
Age : 22 years, Occu. Labourer
R/o Baragaon, Taluka Rahuri,
At/P.Tal. Rahuri, Dist. Ahmednagar

APPLICANT/
APPELLANT

VERSUS

The State of Maharashtra,
through the Rahuri Police Station,
Rahuri, District Ahmednagar

RESPONDENT

Mr. Abhaykumar D. Ostwal, Advocate for the applicant
Mr. V.P. Kadam, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 02/09/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is convicted by the learned Additional Sessions Judge, Ahmednagar in Sessions Case No. 273/2012, for the offences punishable under section 363, 366 and 376 of the I.P. Code and sentenced him to suffer seven years' rigorous imprisonment for the offence punishable under section

376 of the I.P. Code, with direction to serve lesser sentences for other offences and all the sentences to run concurrently, is praying for suspension of the substantive sentences and to release him on bail.

3. Mr. A.D. Ostwal, learned counsel for the applicant, submits that the record would show that as per the prosecution itself, the prosecutrix was 14 years and 9 months old at the time of occurrence. He further submitted that at the initial stage itself, the parents of the prosecutrix had filed an affidavit praying for release of the present applicant on bail, which was the cause for grant of bail during the trial. He further submitted that the evidence on record would show that the prosecutrix on her own had accompanied the present applicant/appellant to Trimbakeshwar in a public transport bus. He, therefore, submitted that the substantive sentences awarded to the appellant/applicant be suspended and the applicant be released on bail.

4. Learned A.P.P., however, opposed the application.

5. Considering the fact that the applicant/

appellant was on bail during the trial and the hearing of the appeal may take its own time, in the background of the case, the substantive sentences deserve to be suspended. Hence, the following order :-

6. The substantive sentences awarded to the present applicant/appellant are hereby suspended till disposal of criminal appeal No. 538/2015.

. The applicant/appellant be released on bail upon deposit of the fine amount, if not deposited till this date and upon applicant's executing P.R. bond and furnishing surety in the amount of Rs. 20,000/- (rupees twenty thousand).

7. Hamdast granted.

8. The application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE