

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3269 OF 2015 IN
CRIMINAL APPEAL NO. 474 OF 2015

Prakash Kisan Nagarale

.. Applicant

Vs.

The State of Maharashtra and anr.

.. Respondents

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

Mr. P.N. Kutti, A.P.P. for the respondent-State

Mr. B.S. Deokar, Advocate for respondent no.2

CORAM : M.T. JOSHI, J.

DATE : 26/11/2015

ORAL ORDER :

1. Heard both sides.

2. Aggrieved by the conviction of the present appellant/applicant for the offence punishable under section 376-2(j) of the Indian Penal Code and section 4 of the Protection of Children from Sexual Offences Act, 2012, the present appeal is preferred.

3. The applicant was sentenced to suffer rigorous imprisonment for 10 years and 7 years for the offences punishable under section 376-2(j) of the I.P. Code and section 4 of the Protection of Children from Sexual Offences Act, 2012, respectively.

4. During pendency of the appeal, the present applicant seeks suspension of the sentences and his release on bail.

5. The prosecution case is that 5 years old minor prosecutrix was forcibly raped by the present appellant-applicant and the medical evidence would show that even the hymen was ruptured. No case is made out for release of the applicant on bail. The application is therefore dismissed.

6. As the applicant would be behind the bar, hearing of the Criminal Appeal No. 474 of 2015 is expedited.

[M.T. JOSHI]
JUDGE

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