

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3454 OF 2015
IN
CRIMINAL APPEAL NO. 480 OF 2015

Santsh S/o Deorao Randhave,
Age - 20 years, Occu - Labour,
R/o. Bombale Nagar, Ward No.7,
Shrirampur, Tal - Shrirampur,
Dist - Ahmednagar

.. Applicant
(Orig. Accused)

Vs.

1] The State of Maharashtra

2] Pooja Rajendra Pendhare,
Age -Major, Occu.: Education,
R/o. Bombalenagar, Ward No.7,
Shrirampur, Tal. Shrirampur
Dist. Ahmednagar

.. Respondents

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for applicant
Mrs. B.B. Gunjal, A.P.P. for respondent-State

CORAM : M.T. JOSHI, J.
DATE : 07/07/2015

ORAL ORDER :

Heard.

2. Notice.

3. Learned A.P.P. waives notice for the
respondent/State.

4. The learned Sessions Judge has held that the victim was 16 years and 11 months old. Earlier there were sexual relations between the parties and the prosecution case would show that he and the prosecutrix resided together at Walunj for considerable period. The applicant however came to be convicted for the offences punishable under section 363, 366-A, 376(2) of the Indian Penal Code and section 6 of the Protection of Children From Sexual Offences Act, as consent of the minor would not be a consent. Accordingly, he is sentenced to suffer rigorous imprisonment for 7 years for the offences punishable under section 366-A and 376(2) of the Indian Penal Code each and rigorous imprisonment for five years for the offence punishable under section 363 of the Indian Penal Code. Punishment of ten years rigorous imprisonment was awarded for the offence punishable under section 6 of the Protection of Children From Sexual Offences Act and various sentences of payment of fine amount were awarded.

5. Learned A.P.P. opposed the application. She submits that sentence of 10 years is awarded by the learned Sessions Judge, as the prosecution case is fully

proved.

6. Considering all the above facts and finding that the present applicant was behind the bar during the trial and as hearing of the appeal may take its own time, in my view, in the background of the case, the applicant deserves to be released on bail. Hence, the following order:-

7. The Application is hereby allowed. Substantive sentences of the applicant are hereby suspended.

8. Upon deposit of the fine amount, the applicant - Santsh S/o Deorao Randhave be released on bail, upon his execution of P.R. bond in the sum of Rs.30,000/- (Rs. Thirty Thousand) and also upon furnishing surety in the like amount.

9. Criminal Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/