

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3995 OF 2015 IN
CRIMINAL APPEAL NO. 554 OF 2015

- 1] Vikas Ramesh Rajput,
Age 31 years, Occu.: Mason,
R/o Jatwada Road, Aurangabad
- 2] Kalpana W/o Vikas Rajput,
Age 28 years, Occ. Mason,
R/o Jatwada Road, Aurangabad .. Applicants

Vs.

- 1] The State of Maharashtra,
Through its Police Station,
Cidco, Tq. and Dist. Aurnagabad
- 2] Kushiwarta Vitthal Sure
@ Kushiwarta Vikas Rajput,
Age - major, Occu. Household,
R/o Jatwada Road, Near Harsool Dam,
Aurangabad .. Respondents

Mr. Vinod P. Patil, Advocate for the applicants
Mr. R.P. Phatke, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 10/08/2015

ORAL ORDER :

Heard both sides.

2. The applicants, who have been convicted by the learned Additional Sessions Judge-5, Aurangabad vide judgment and order dated 13/07/2015 passed in Special Case No. 440 of 2012 for the offences punishable under

section 363, 366, 376 of the Indian Penal Code and applicant no.1 being sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs.10,000/-, in default to suffer simple imprisonment for 3 months for the offence punishable under section 363 of the Indian Penal Code, and applicant nos.1 and 2 being sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs.10,000/- each, in default to suffer simple imprisonment for 3 months each for the offence punishable under section 366 of the Indian Penal Code and applicant no.1 being sentenced to suffer rigorous imprisonment for 7 years and to pay fine of Rs.10,000/-, in default to suffer simple imprisonment for 3 months for the offence punishable under section 376 of the Indian Penal Code, are praying for suspension of their substantive sentences during the pendency of the appeal and their release on bail.

3. Perused the R. & P.

4. The record would show that the complaint was filed by victim after 1 year of the alleged incident. By that time, she had become 18 years old. The present applicants had earlier filed application in this Court

bearing Criminal Application no.4050 of 2015 for compounding of the offences in this Court, which naturally came to be dismissed vide order dated 29th July, 2015.

. In the said application, however, in paragraph nos.2 and 3, the victim (i.e. respondent no.2 in the said application) had however communicated that she has now a daughter from the applicant/appellant no.1 and they are now residing together.

5. Considering all the facts on record, and finding that the hearing of the appeal itself may take its own time, the present application is allowed. The substantive sentences are hereby suspended during the pendency of the appeal.

6. Upon deposit of the fine amount by each of the applicants, if not already deposited by them, each of the applicants be released on bail, upon their execution of P.R. bonds in the sum of Rs.20,000/- (Rs. Twenty Thousand) each and also upon furnishing surety each in the like amount.

7. Criminal Application accordingly stands
disposed of.

[M.T. JOSHI]
JUDGE

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