

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4704 OF 2014
IN
CRIMINAL APPEAL NO. 548 OF 2014**

Hemant Pandurang Shelar ...Applicant

versus

The State of Maharashtra and another ...Respondents

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Mr. N.C. Garud , Advocate for Applicant
Mr. K.S. Patil, A.P.P. for respondent No. 1
Mr. R.R. Karpe, Advocate for respondent No. 2

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CORAM : A.I.S. CHEEMA, J.

DATED : 8th JANUARY, 2015

Order :-

1. Heard learned counsel for applicant and learned Additional Public Prosecutor for respondent No. 1 - State.
2. Criminal Appeal No. 548 of 2014 has been admitted. The applicant is convicted under sections 363, 366(A) and 376 of the Indian Penal Code. The applicant - original accused was in the custody, when matter was pending before the Sessions Court.
3. Learned counsel for the applicant submits that conviction has been imposed because the prosecutrix was below 16 years of age. He submits that due to the incident, child has been born to the prosecutrix and the applicant requires to take care of the child. Learned counsel accepts that applicant was already married before the incident to another lady. He submits that for more than two years the applicant is

in jail.

4. Looking at the facts of the matter as appearing from record, specially age of the prosecutrix, reasons recorded by trial court and conviction imposed, I do not think that this is fit case to grant bail. As such, there is no substance in the application and the same stands rejected.

Sd/-

(A.I.S. CHEEMA, J.)

MTK