

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6215 OF 2014
IN
CRIMINAL APPEAL NO. 710 OF 2014

Ganpat s/o Narayan Shinde,
Age : 23 years, Occu. Driver,
R/o Jaimalhar Nagar, M.I.D.C.,
Ahmednagar

**APPLICANT/
APPELLANT**

VERSUS

The State of Maharashtra,
through the Police Station Officer,
MIDC Police Station, Ahmednagar

RESPONDENT

Mr. N.C. Garud, Advocate for the applicant
Mr. S.R. Palnitkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 29/04/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant/appellant, who is convicted by the learned Additional Sessions Judge, Ahmednagar in Sessions Case No. 126/2013, for the offences punishable under section 363, 366A and 376 of the I.P. Code and sentenced to suffer rigorous imprisonment for a period of two months, seven years and

seven years, respectively for each of the above offences, with further direction to pay fine, vide judgement and order dated 10th April, 2014, is praying for suspension of the sentences and for his release on bail during pendency of the present criminal appeal.

3. The hearing of both sides and the reasoning forwarded by the learned Sessions Judge would show that a 14 years and 7 months old victim of the offence was kidnapped by the present applicant and thereafter, he had sexual relations with her.

4. Mr. N.C. Garud, learned counsel for the applicant points towards cross-examination of the victim of the offence, which would indicate that it is a case of consensual love affair between the present applicant and the victim-girl. In the circumstances, without making further comment on the merit of the case and finding that the present applicant is behind the bars since 8th January, 2013, in my view, the applicant can very well be released on bail, upon suspending the substantive sentences. Mr. Garud, learned counsel submits that the fine amount is yet to be deposited.

Hence, the following order.

5. The application is hereby allowed. The substantive sentences awarded to the present applicant/appellant by the learned Additional Sessions Judge, Ahmednagar, vide his judgement and order dated 10th April, 2014, passed in Sessions Case No. 126/2013, are hereby suspended till the decision of Criminal Appeal No. 710/2014, on the condition that the fine amount as ordered by the learned Additional Sessions Judge is deposited in the Sessions Court within a period of four weeks from the date of this order. Upon deposit of the fine amount, the applicant/appellant be released on bail upon his executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) and also upon furnishing surety in the like amount.

. The present application accordingly stands disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln6215-2014