

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6675 OF 2014
IN
CRIMINAL APPEAL NO. 765 OF 2014

Tayab s/o Pashamiya Arab,
Age : 35 years, Occu. Driver,
R/o Wangji, Tq. Ausa,
District Latur

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

Mr. N.S. Ghanekar, Advocate for the applicant
Mrs. B.B. Gunjal, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 24/07/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant/appellant, who is convicted by the learned Additional Sessions Judge, Latur, vide judgement and order dated 10.11.2014 in Sessions Case No. 7/2014, for the offence punishable under section 376 of the I.P. Code and sentenced to suffer rigorous imprisonment for a period of ten years with direction to pay fine, out of which an amount of

Rs. 10,000/- was directed to be paid to the victim, is praying for suspension of the substantive sentences and for his release on bail.

3. According to the prosecution, the incident has occurred on 29th February, 2012.

4. The reasoning of the learned Sessions Judge would show that the victim was sixteen years old and as such, has reached the age of consent as per the then provision of law. Further, the applicant/appellant has promised to marry her and relying over the same, she had consented for sexual intercourse. However, when the victim became pregnant, he refused to marry her, the complaint came to be filed and the conviction, therefore, came to be recorded.

5. Considering all the facts on record, as detailed supra and since the present applicant was behind the bars during pendency of the trial and finding that the hearing in the appeal filed by the applicant in this court may take its own time, the substantive sentences awarded to the present applicant/appellant are

hereby suspended till the disposal of criminal appeal.

6. The fine amount is already deposited by the applicant/appellant, as submitted by the learned counsel for the applicant. In the circumstances, the applicant be released on bail on his executing P.R. bond in the sum of Rs. 30,000/- (rupees thirty thousand) and also upon furnishing surety in the like amount.

. The application accordingly stands allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln6675-2014