

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.279 OF 2015
IN
CRIMINAL APPEAL NO.341 OF 2015**

Baban P. Gaikwad	..Applicant/Appellant
V/s.	
The State of Maharashtra	.. Respondent

Mr.S.V.Gavand i/by Ms.Savita M. Yadav,
for applicant/appellant.
Mr.A.R.Patil, APP for Respondent-State.

**CORAM : A. R. JOSHI, J.
DATE :11th SEPTEMBER, 2015.**

P.C.

1. Heard learned counsel for the applicant-appellant.
Also heard learned APP for the State. This is an application for
bail during pendency of appeal and suspension of substantive
sentence of imprisonment.

2. The present applicant is convicted for the offences
punishable under sections 376,363 and 366 of Indian Penal
Code. For offence punishable under section 376 of Indian
Penal Code he is sentenced to suffer RI for 7 years and to pay
fine of Rs.2,000/-. During the pendency of the trial appellant

was not on bail.

3. After hearing the application for bail for some time when this Court indicated that this is not a case for grant of bail during pendency of the appeal, learned counsel for the applicant-appellant prayed for withdrawal of the application with further prayer that the present appeal may be expedited considering the custody of the applicant-appellant since August 2012 and punishment of 7 years awarded against him. Considering the special circumstances as to the broader line age of the prosecutrix P.W.No.2 i.e. just two months less for 16 years and considering the special circumstances that allegedly as per her own wish she accompanied with applicant and left the house of her uncle, in the opinion of this Court though the Court is not inclined to grant bail to the applicant, the appeal is expedited. Hence the application for bail is rejected and disposed of. The hearing of the appeal is expedited. The appeal be listed for final hearing in the last week of October, 2015.

(A. R. JOSHI, J)

Certified to be true and correct copy of the original
signed Judgment/order.