

**CRIMINAL APPEAL NO.97 of 2014  
WITH  
CRIMINAL APPLICATION NO.335 OF 2014  
IN  
CRIMINAL APPEAL NO.97 OF 2014**

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Mr.D.P Adsule, APP for the Respondent State.

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**DATED : 21<sup>st</sup> SEPTEMBER, 2015**

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P.C:-

2 I have heard Mr.Satyavrat Joshi, learned counsel for  
the applicant. I have heard Mr.D.P. Adsule, learned APP for the

State. With their assistance, I have glanced through the evidence adduced during the trial. I have gone through the evidence of the victim (PW 1), her husband Rafique (PW 2), Sanjay (PW 3) and Sharad Kumar (PW 6). I have also carefully gone through the medical evidence i.e. the evidence of Dr.Abasaheb Chavan (PW 7).

3           The learned counsel for the applicant submitted, primarily that the case appears to be of consensual sexual intercourse between the appellant and the victim. He submitted that the cross-examination of the victim reveals that the victim and the applicant were friendly, and that the victim had infact accepted costly and expensive presents from the applicant. He submitted that because of the pressure from the victim's husband, a false complaint alleging rape came to be lodged against the applicant.

4           The medical evidence does not show any mark of injury indicating forcible sexual intercourse. The Medical Officer has not given any opinion in that regard.

5           The case rests solely on the testimony of the victim.

6           The applicant is in custody since 29<sup>th</sup> June 2012. In the ordinary course, the Appeal is not likely to be heard and disposed of within a short time.

7           Arguable points, needing consideration have been raised.

8           In the circumstances, I am inclined to allow the application.

9           Pending the hearing and final disposal of the Appeal, the substantive sentence imposed upon the applicant shall stand suspended, and the applicant shall be released on bail in the sum of Rs.30,000/- with one surety in like amount on the condition that the applicant shall report to the trial Court on the first Monday of each calendar month, till the disposal of the Appeal.

10          The applicant shall not change his residential address, without giving prior intimation to the Investigating Agency and to this Court about such change and without furnishing his new address.

11          Application is disposed of accordingly.

**(ABHAY M. THIPSAY, J)**

**CERTIFICATE**

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