

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.317 OF 2015
IN
CRIMINAL APPEAL NO.322 OF 2015

Azhar Gausazhim Bagi	..Applicant
<i>Versus</i>	
The State of Maharashtra	..Respondent

....
Mr. Hassnain K. Sayyed, for the Applicant.
Mrs. Anamika Malhotra, APP, for the State.
....

CORAM : A. R. JOSHI, J.

DATE : 30th JUNE, 2015

P.C.

1. Heard rival submissions on the application for bail during pendency of the appeal. The applicant is convicted for the offence punishable under Section 376 of IPC and sentenced to suffer RI for seven years. He was acquitted for the offence punishable under Sections 342 and 506 of IPC. He is also directed to pay fine of Rs.10,000/-.

2. During the arguments, the learned Counsel for the applicant, on instructions, stated that the prosecutrix girl and her mother are present in the Court and it is decided between the parents of the prosecutrix and the present applicant that

both of them to get married as apparently the incident of sexual intercourse happened on the promises given by the applicant of getting married with the prosecutrix girl. On knowing this special circumstance, the prosecutrix and her mother are called before the Court and they were enquired as to their name, age, avocation etc.,. The prosecutrix and her mother told that they want to forgive the applicant who is in jail and after his release on bail the relatives from both sides will arrange for their marriage to cohabit together happily.

3. On this revelation from the prosecutrix and her mother, the learned Counsel is asked whether any relatives of the applicant are present. On this, mother of the applicant came before the Court. Also brother of the applicant is present before the Court and both these relatives of the applicant are identified by the learned Counsel for the applicant. On enquiry by the Court, the mother of the applicant stated that they are ready and willing to get the applicant and the prosecutrix girl married together as they are residing in the near vicinity and both the families are from the same religion and social strata.

4. Apart from the above special circumstance, there is

another circumstance to be considered favourably in favour of the applicant for bail is that during the trial he was on bail. As such, the present application for bail is allowed. The applicant shall be released on same bail as granted by the trial Court with fresh bonds to be executed before the trial Court. The bail shall be effective subject to payment of the fine amount. With these directions, present application for bail is disposed of.

(A. R. JOSHI, J.)

Deshmane (PS)