

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.331 OF 2015
IN
CRIMINAL APPEAL NO.332 OF 2015

Atish Omprakash Kanojia

..Applicant

Versus

The State of Maharashtra

..Respondent

....

Mr. Rabindranath Misra, for the Applicant.

Mrs. Anamika Malhotra, APP, for the State.

....

CORAM : A. R. JOSHI, J.

DATE : 3rd JULY, 2015

P.C.

1. Heard learned Counsel for the applicant. Also heard learned APP for the State on this application for bail during pendency of the appeal.

2. The applicant is convicted for the offence punishable under Section 376(1) of IPC and sentenced to suffer RI for seven years. He is also convicted for the offence punishable under Section 366 of IPC and sentenced to suffer RI for five years. Fine amounts were also imposed on both counts. Reportedly, the fine amounts are already paid. During the trial, the applicant was on bail. The factual position is that the present applicant and the prosecutrix girl, then aged about 16 years, were in love and on the call from the applicant the prosecutrix girl accompanied

him and they both went to Vajreshwari and got themselves married with each other in one Ganesh Temple. The applicant also bought “Mangalsutra” (Sacred Thread) and also put it around the neck of the prosecutrix girl and took her as his wife. They both stayed together and when learnt about the complaint lodged against the applicant by the parents of the prosecutrix they attended before the police station. Considering this specific circumstance and further considering that initially the prosecutrix girl did not wish to stay with her parents and as such she was sent to the Observation Home, the present application for bail can be allowed. Hence, the order:

:: O R D E R ::

- [i] Criminal application for bail during pendency of appeal is allowed.
- [ii] The applicant be released on bail on same bail as granted by the trial Court with fresh bonds to be executed before the trial Court.
- [iii] Criminal Application is accordingly disposed of.

(A. R. JOSHI, J.)