

FARAD CONTINUATION SHEET No.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.533 OF 2015  
IN  
CRIMINAL APPEAL NO.700 OF 2015

Prakash S. Mokalkar V/s. The State of Maharashtra

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| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Prothonotary's orders | Court's or Judge's orders |
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Mr.Chetan Mali, for the applicant-appellant.

Mr.A.R.Patil, for the respondent-State.

**CORAM : A.R. JOSHI, J.**  
**DATE : 28TH JULY 2015**

**P.C.:**

1. Heard rival submissions on the application for bail during the pendency of appeal. Appeal is already admitted. The appellant is convicted for the offence punishable under section 363 and sentenced to suffer RI for 3 years and he is also convicted for the offence punishable under section 376 of Indian Penal Code and sentenced to suffer RI for 7 years. Respective fine amounts were also imposed.

2. During the trial the appellant was on bail. According to the case of prosecution, the incident happened on 15<sup>th</sup> October

2010 on which day the prosecutrix then aged about 15 years and 7 months had gone to her college and thereafter she did not return back to home. Missing complaint was lodged with the police after 2 days by her father. Search of the girl was taken with relatives but she was not found. After about 11 months the whereabouts of the prosecutrix-P.W. No.2 were found at Akola at the place of the present appellant. Thereafter, the girl was brought to Mumbai and appellant was put under arrest. Substantive evidence of prosecutrix P.W.No.2 is of importance inasmuch as she has stated that on the day of the incident she left the home and went along with the accused. According to her they got married with each other and stayed at the place of the accused. When the girl was brought back to Mumbai she was 8 months pregnant. She also stated that she was being beaten by her father P.W. No.1 complainant. She also stated that her love affair with the appellant-accused was not liked by her parents. Considering these circumstances, in the opinion of this court the present applicant can be released on bail during the pendency of the appeal. Hence order.

**:: ORDER ::**

- (i) Application for bail is allowed.
- (ii) Applicant be released on same bail as granted by the Trial Court with fresh bond to be executed before the Trial Court.

**(A.R. JOSHI, J.)**