

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.705 OF 2015
IN
CRIMINAL APPEAL [ST] NO.630 OF 2015

Dattatray @ Datta Dilip Solanki	..Applicant
<i>Versus</i>	
State of Maharashtra	..Respondent

....
Ms. Apeksha Vora, Advocate for the Applicant.
Mr. A.R. Patil, APP, for the Respondent-State.
....

CORAM : A. R. JOSHI, J.

DATE : 1st JULY, 2015

P.C.

1. Heard rival submissions on the application for bail during pendency of the appeal.

2. The appellant is convicted for the offence punishable under Section 376 of IPC and sentenced to suffer RI for 7 years. Though during the trial the applicant/appellant was not on bail, he is in custody since the date of his arrest i.e. from 20.9.2011 and as such more than half the sentence is already over. Second circumstance which is brought to the notice of this Court by the learned Counsel for the applicant is that there was admitted

love affair between the applicant and the prosecutrix girl and they also had a small child out of their relations. The only question was regarding the age of the prosecutrix and reportedly it was below 18 years and between 16 to 17 years.

3. Considering the above circumstances and considering that more than half the sentence is already over and considering the admitted relations between the prosecutrix and the applicant, the applicant can be released on bail. Hence, the order :

:: O R D E R ::

- [i] Application for bail is allowed.
- [ii] The applicant be released on bail on his executing a PR bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties for the like amount. Bail before the trial Court.
- [iii] Criminal Application is disposed of accordingly.

(A. R. JOSHI, J.)