

2 Smt.P.H.Kantharia, learned Public Prosecutor seeks time to verify whether the prosecutrix has made the affidavit voluntarily and indeed seeks that the applicant should be released on bail.

3 In the circumstances, **kept back till 3.00 p.m.**

Later on :

4. The learned Additional Public Prosecutor submits that she has interviewed the prosecutrix and, that the prosecutrix states that the dispute between the parties has been amicably resolved and that the prosecutrix though has not yet formally married the appellant, intends to do so.

5. The learned counsel for the applicant submits that the appellant has, even otherwise, a good case on merits and that he was held to be guilty of rape on the basis that the appellant had obtained the consent of the prosecutrix/victim by giving a false promise to marry her.

6. In the ordinary course, the appeal cannot be taken up for hearing forthwith. The appellant is in custody for a period of about two years and nine months. The prosecutrix not only does not object to the suspension of the sentence imposed upon him, but categorically states that it may be suspended.

7. The appellant was on bail during the trial.

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/appellant shall stand suspended; and the applicant/appellant shall be released on bail in the sum of Rs.20,000/-, with one surety in like amount, or two sureties in the sum of Rs.10,000/-, on the condition that the applicant shall report to the trial Court on the first Monday of each calender month till disposal of the appeal against him.

10. Should the trial Court be closed on any given Monday, the applicant shall report to the trial Court on the next working day.

11. The hearing of the appeal is ordered to be expedited. The same be listed for final hearing on **4th December 2015**.

(ABHAY M. THIPSAY J.)

CERTIFICATE

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