

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1685 OF 2014
IN
CRIMINAL APPEAL NO.431 OF 2014

Mr. Ravindra Narayan Navale	..Applicant
<i>Versus</i>	
The State of Maharashtra	..Respondent

....
Mr. Vinod Kashid and Abdul Shaikh, Advocate for the Applicant.
Mrs. Anamika Mahotra, APP, for the Respondent – State.
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CORAM : A. R. JOSHI, J.

DATE : 8th JUNE, 2015

P.C.

1. Heard learned Counsel for the applicant in this application for bail during pendency of the appeal. Also heard learned APP for the State.
2. The appellant was convicted for the offence punishable under Sections 363 and 376 of IPC and he was respectively sentenced to suffer RI for seven years and ten years and fine amount of Rs.5,000/- and Rs.10,000/- respectively. Apparently the prosecutrix was aged about 15 years at the time of incident which took place between 31.12.2012 and 4.1.2013. Medical evidence show that there was sexual intercourse committed on the prosecutrix, though the evidence of the Medical Officer shows that there were no injuries on the private parts of the prosecutrix.

3. Admittedly, during the trial the appellant/applicant was not on bail. Now he has been convicted maximum for ten years. In fact during the trial apparently the charge was simplicitor for the offence punishable under Section 376 of IPC and not Section 376(2)(f) of IPC, though, there was certain material to that effect as to application of Section 376(2)(f) of IPC. For that later part of the charge, the minimum punishment is ten years and maximum can be upto life. However, whatever that may be, the final conviction is only for the offence punishable under Section 376 and also under Section 363 of IPC and the maximum punishment is awarded for ten years.

4. Considering the gravity of the offence, in the opinion of this Court, this is not a case in which the present applicant/appellant can be released on bail during pendency of the appeal. Hence the application is rejected and disposed of accordingly.

(A. R. JOSHI, J.)