

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA No. 411 of 2015
IN
Criminal Appeal No. 248 of 2015
[Bhaskar Bhauraoji Vaidya Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. A.B. Moon, Adv., for the Applicant-appellant.
Mr. A.D. Sonak, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 01st October, 2015.

Leave to correct the case number in para 1 of the application.

This is an application for suspension of substantive jail sentence and for grant of bail.

Heard learned Adv. Mr. A.B. Moon for the applicant-appellant and learned APP Mr. A.D. Sonak for the respondent-State.

By Judgment and Order dated 6th June, 2015 passed by learned Additional Sessions Judge, Wardha, in Sessions Case No. 50 of 2011, the learned Judge of the Trial Court convicted the present applicant, who was Accused No.2 in the said case, of the offences punishable under Sections 376 and 506 of Indian Penal Code and directed that the applicant shall suffer rigorous imprisonment for seven years and to pay a fine of Rs. 5,000/-, in default, Simple Imprisonment for one month. By the said Judgment, the learned Judge of the Court below has acquitted the accused no.1, against whom also, the allegation was made that he has also ravished the prosecutrix.

I have gone through the Notes of Evidence of the prosecutrix and the other relevant witnesses. The learned Judge himself has recorded a specific finding about the fact that the prosecutrix was more than sixteen years.

Looking to the nature of the evidence adduced on record, in my view, detailed evaluation of the prosecution case is required.

This Court has already admitted the appeal and the record and proceedings were called.

Looking to the pendency of the jail appeals before this Court, and looking to the fact that in the near future,

final hearing of the present appeal is not possible, in my view, the applicant, who was on bail during the course of trial, be released on bail.

That leads me to pass the following order:-

ORDER

- [a]** Criminal Application No. 411 of 2015 is allowed.
- [b]** The substantive jail sentence imposed upon the applicant by the learned Additional Sessions Judge, Wardha, in Sessions Case No. 50 of 2011 shall remain suspended during pendency of this appeal.
- [c]** That, the applicant shall be released on bail on he executing a Personal Bond of Rs. 25,000/- [rupees twenty-five thousand only] with one solvent surety in the like amount.
- [d]** The Trial Court, before whom the bail bonds will be executed, shall ensure that the entire fine amount is deposited by the applicant.
- [e]** The applicant shall remain present before this Court at the time of final hearing.

With this, the application is allowed and disposed of.

Judge

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