

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 817 OF 2016
IN
CRIMINAL APPEAL NO. 56 OF 2016**

Sunil s/o Nathu Rathod ...Applicant

versus

The State of Maharashtra ...Respondent

.....
Mr. G. P. Shinde, Advocate for applicant
Mr. D. V. Tele, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 17th MARCH, 2016

ORAL ORDER :

The applicant is convicted for an offence punishable under Section 376 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for the period of seven years with fine of Rs.1000/-, in default of payment of fine, to suffer further rigorous imprisonment for three months.

2. The applicant's appeal is already admitted and it is brought to my notice that he has paid fine amount. The applicant claimed was on bail during the trial and has not misused the said liberty.

3. On merits of the matter, it is to be noted that the report of the chemical analyser, medical report and fact about delayed lodging of complaint, are the issues, which go to the benefit of the accused.

4. In view of above, prima facie, the applicant is entitled to be released on bail. Thus, the substantive sentence imposed on the applicant shall stand suspended. During pendency of the appeal, the applicant be released on bail on the same terms, on which he was admitted on bail by the learned trial Court.

[N.W. SAMBRE, J.]