

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

**CRIMINAL APPLICATION NO. 1499 OF 2016
IN
CRIMINAL APPEAL NO. 131 OF 2016**

Parmeshwar s/o Fakir Kale,
Age: 26 years, Occu: Agri.,
R/o. Borgaon(Kale), Tq. & Dist. Latur ...Applicant

versus

The State of Maharashtra ...Respondent

.....
Mr. Satej S. Jadhav, Advocate for applicant
Mr. D. V. Tele, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 21st MARCH, 2016

ORAL ORDER :

Present applicant is convicted for the offence punishable under Section 376 (2) (n) of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act and sentenced to undergo rigorous imprisonment for 10 years and to pay fine of Rs.500/-, in default, to suffer rigorous imprisonment for 3 months. He is also convicted for the offence punishable under Section 366 of Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs. 250/-, in default, to suffer rigorous imprisonment for 1 month, so also convicted for the offence punishable under Section 363 of Indian Penal Code and

sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs. 250/-, in default, to suffer rigorous imprisonment for 1 month.

2. It is the case of applicant-accused that during trial, he has not moved any bail application.

3. Perusal of the evidence of victim Vishakha, who was examined at Exhibit-14 depicts that she was in love with present applicant and has rather admitted that she has called present applicant so many times at her house for sexual intercourse.

4. The other aspect of the matter that is required to be considered is, before initiating prosecution, the evidence shows that the present applicant was called upon to marry victim and in case, if he fails, he was threatened for the prosecution.

5. In this background, in my opinion, having regard to the evidence of victim, it will be appropriate to grant bail. Hence, the following order:-

(a) The substantive sentence imposed on the applicant shall stand suspended.

(b) During pendency of criminal appeal, the applicant be released on bail, upon executing P.R. bond of Rs.25,000/- with one surety in the like amount.

6. Criminal Application stands allowed in above terms.

[N.W. SAMBRE, J.]