

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

CRIMINAL APPLICATION NO.1867 OF 2016 IN
CRIMINAL APPEAL NO.209 OF 2016

Ganesh Maroti Khelbade ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri Vijay Sharma, Advocate holding for
Shri V.A. Bagdiya, Advocate for applicant
Shri S.M. Ganachari, A.P.P. for State
.....

CORAM: A.I.S. CHEEMA, J.

DATED: 3rd May, 2016.

ORAL ORDER :

1. Heard learned counsel for the applicant. He submits that, the applicant - accused was young person of about 19 years of age when the incident has taken place. The learned counsel referred to the evidence of the victim P.W.2 along with the medical certificate to submit that the oral evidence and the medical certificate did not match. According to the learned counsel, the applicant - accused has arguable case. He submits that, the sentence passed is a short term sentence and the

appeal may take time to be decided. It is stated that, the applicant was on bail during the course of trial and there was no complaint that he interfered with any evidence of the victim after the offence was registered. The counsel submits that, if bail is granted to the applicant - accused, he would not enter the Sengaoon Taluka till the appeal is decided, so that the victim or her family does not feel threatened.

2. The learned A.P.P. submits that, it is a serious offence where the victim was violated. She was picked up and was being taken aside with ill motive and got saved only because other persons came to the spot.

3. Considering the fact that the applicant was on bail during the course of trial and no material is shown that he tampered with any evidence and the fact that the applicant was shown as 19 years old in the trial, which is young age and as the decision of appeal would take time, I find it appropriate to release the applicant on bail. Hence I pass the following order :

ORDER

- i) The application is allowed. The sentence of imprisonment only imposed against the applicant is

suspended and the applicant be released on bail during the pendency of the criminal appeal subject to bail.

- ii) The applicant - original accused shall appear before the trial Court on 10th May 2016. The trial Court shall admit the applicant - accused to bail. The applicant shall execute P.R.B. and S.B. in the sum of Rs.25,000/- (Rupees twenty five thousand) and he shall be bound by the condition that during pendency of the appeal, he shall not enter the Taluka of Sengaoon. Trial Court shall inform local police of such conditions and if the condition is violated, his bail bonds shall be liable to be forfeited/ cancelled.
- iii) The trial Court shall also put a condition that the applicant - original accused shall mark presence in the trial Court every three months, till disposal of the Criminal Appeal. Trial Court shall yearly send report in January of marking presence by accused in this regard to this Court till disposal of appeal.

(A.I.S. CHEEMA, J.)