

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 73 OF 2016

IN

CRIMINAL APPEAL NO. 20 OF 2016

MR. PRASHANT TARI, PRESENTLY IN
CENTRAL JAIL, COLVALE, BARDEZ GOA.

... Applicant

Versus

STATE OF GOA, REP. BY MARGAO TOWN
POLICE STATION AND ANR.,

... Respondents

Mr. Amit Palekar, Advocate for the Applicant.

Mr. S. R. Rivankar, Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 6th May, 2016

P.C.

The Applicant has been convicted for the offence punishable under Section 376 of IPC and has been sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.20,000/- and in default of payment of fine, to undergo further imprisonment for a period of one year.

2. The learned Counsel for the Applicant states that the amount of fine is deposited. He further submits that the Applicant was on bail during the course of the trial.

3. The learned Public Prosecutor states that the Applicant has been found guilty of committing rape wherein the victim was said to be a major. He, however, does not dispute that the Applicant was all along on bail during the course of the Trial. The Criminal Appeal challenging the Judgment of conviction and sentence is already

admitted.

4. In such circumstances, the following Order is passed :

ORDER

- (i) The Criminal Application is allowed.
- (ii) The substantive sentence of imprisonment is hereby suspended pending disposal of the Appeal.
- (iii) The Applicant shall be released on bail upon execution of a PR bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount.
- (iv) The Applicant shall not try to contact the victim or any of the witnesses and shall not misuse the bail in any manner.
- (v) Bail to be furnished before the learned Sessions Judge.
- (vi) Authenticated copy of this Order be furnished to the parties in accordance with law.

C. V. BHADANG, J.

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