

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1006 OF 2016

AND

CRIMINAL APPLICATION NO.1007 OF 2016

IN

CRIMINAL APPEAL NO.666 OF 2015

ANAND NAGAPPA DOMANI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.

)...RESPONDENTS

Mr.Laxman Shahapur, Advocate for the Applicant.

Mr.Aniket Vagal, Advocate for Respondent No.2.

Mr.A.R.Kapadnis, APP for the Respondent – State.

Ms.Dipti Babu Golar – Respondent No.2 / Original Complainant present in court.

CORAM : P N. DESHMUKH, J.

DATE : 5th OCTOBER 2016.

P.C. :

1 Learned counsel for applicant seeks leave to add respondent / original complainant as party respondent no.2. Leave as prayed is allowed. Amendment be carried out forthwith.

 Learned counsel Mr.Aniket Vagal waives notice for newly added respondent no.2.

2 Heard learned counsel for applicant and learned counsel for both the respondents. By these applications, applicant seeks suspension of substantive sentence imposed upon him by the learned sessions court contending that pending trial applicant was on bail and also on the count that matter is resolved between applicant / accused and respondent no.2 / original complainant as they have agreed to settle the score by marrying with each other, in the event applicant is released on bail.

3 Respondent no.2 Dipti, who is aged 19 years, is present in the court and on inquiry states that she is willing to marry with applicant.

4 Record reveals that applicant came to be convicted for the offence punishable under Section 376 of IPC and is sentenced to suffer rigorous imprisonment for 7 years and to pay a fine of Rs.500, in default, to suffer rigorous imprisonment for 2 months. Applicant is also convicted of offence punishable under Section 342 of IPC and is sentenced to suffer rigorous imprisonment for 6 months and to pay a fine of Rs.500/-, in default, to suffer rigorous imprisonment for 15 days. Both the sentences are directed to run concurrently.

5 Considering peculiar facts of the applications and having regard to the statement made by complainant expressing her willingness to marry applicant as aforesaid, and as applicant was on bail pending trial, applications are liable to be allowed. Even otherwise, till date applicant has undergone imprisonment of 32 months, applications are thus allowed by imposing suitable conditions, as per order below :

- i) Applicant shall be released on bail on his executing P.R.Bond in the sum of Rs.30,000/- with one surety in like amount or two sureties in the sum of Rs.15,000/- each.
- ii) While on bail, applicant shall mark his presence with Vikhroli Police Station, on 15th day of each month, until further orders.
- iii) Applicant shall submit proof of his residence to the Investigating Officer and intimate change in address if any, in future, to the concerned police station.
- iv) Applications are allowed in above terms.

(P N. DESHMUKH, J.)