

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1541 OF 2016

IN

CRIMINAL APPEAL NO.787 OF 2016

Johans Viuwinghiferi Kenigay .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.Bidkar, Advocate, for the Applicant

Mr.S.V.Gavand, APP, for the Respondent - State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.12.2016

P.C.

. Vide Judgment and Order dated 08.11.2016 passed by the learned Judge, City Civil & Sessions Court, Greater Mumbai in S.C.No.218 of 2013, the Applicant has been convicted for the offence punishable under Section 376 of the Indian Penal Code and has been sentenced to suffer R.I. for seven years and to pay fine of Rs.10,000/-, in default to undergo R.I. for further six months. The Applicant was, however, acquitted of the offence punishable under Section 377 of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant was on bail pending the trial and has not abused and misused the liberty granted to him. He submits that the prosecutrix was a major at the relevant time and that it was a case of consensual relationship between the Applicant and the prosecutrix.

4. Perused the papers.

5. The Appeal has been admitted by a separate order passed in Appeal today. The Appeal is not likely to be heard in the immediate near future. The Applicant was on bail pending the trial and has not abused and misused the liberty granted to him.

6. Considering the aforesaid, the Application is allowed. The Applicant's sentence is suspended and the Applicant is enlarged on bail pending the hearing and final disposal of the Appeal on the following terms &

conditions :-

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the concerned Police Station and the trial Court.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)