

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO. 581 OF 2016

IN/AND

CRIMINAL APPEAL NO. 346 OF 2016

(Sirajkhan Pathan @ Raja s/o Shahadat Khan Pathan Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R. M. Daga, Advocate for the applicant.

CORAM : S. B. SHUKRE, J.
DATED : AUGUST 30, 2016

CRI. APPEAL NO.346/16 :

Heard.

Notice.

Shri T. A. Mirza, learned A.P.P. waives service
of notice for the respondent-State.

Admit.

Call for record and proceedings.

The appeal be tagged with Cri. Appeal No. 325
of 2016.

APPA NO. 581/2016 :

Heard.

Notice.

Shri T. A. Mirza, learned A.P.P. waives service
of notice for the respondent-State.

Perused the evidence of the prosecutrix. As

rightly submitted by the learned Counsel for the appellant, at this stage, there appears to be some doubt about the role played by this applicant in assisting the main accused in committing the offence of rape and also other offences. It is seen that the prosecutrix has not come out with a specific case that even this appellant was present at the spot or outside the room at the relevant time, although, she has identified him to be one of those culprits. So, I am of the view that the appellant/applicant has made out an arguable case. He was on bail during the trial. Therefore, this application deserves to be allowed and it is allowed accordingly.

Substantive sentences of imprisonments so far as this appellant/applicant is concerned, are hereby suspended till final disposal of the appeal subject to payment of fine amount, if not paid. Till that time, the appellant/applicant shall be released on bail on his furnishing a P. R. Bond in the sum of Rs.20,000/- together with one solvent surety in the like amount on the condition that he shall attend this Court, if required.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : W. W. Lichade

Uploaded on : 31/8/2016