

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

Criminal Application [APPA] No.606 of 2016
in
Criminal Appeal No.355 of 2016

(Shaikh Samir @ Chinya s/o Sk. Babbu @ Sk. Nazir
vs.

State of Maharashtra, through P.S.O. Ner, District Yavatmal)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri S.R. Ghatole, Advocate for the Applicant/Appellant.
Shri C.A. Lokhande, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 21st SEPTEMBER, 2016.

Heard the learned Counsel for the applicant and
the learned A.P.P. for the State.

I have gone through the evidence of the victim
PW-1 Anjali, her mother PW-2 Sunita and other prosecution
witnesses. It is seen that no satisfactory proof of age of the
victim has been brought on record and her age as to be of
about 14 years has been determined by the trial Court on
consideration of the evidence of the victim and her mother
only. It appears that the trial Court has not considered the
material admissions given by the mother of the victim that the
biological father of the victim died about 19 years ago before
the incident. It is also seen that the prosecutrix has
accompanied the appellant from one place to another, which

included the house of sister of the appellant. If such evidence available on the record, I am of the view that the appellant has made out an arguable case in the matter. Therefore, the appellant deserves to be released on bail by suspending the substantive sentences of imprisonment.

Accordingly, this application is allowed and it is directed that the substantive sentences of imprisonment be suspended till final disposal of the appeal and till that time, the appellant 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 sum on the condition that the appellant shall attend this Court as and when required and also on the condition that the appellant shall pay fine amount within one week from the date of his release from the jail.

The application is disposed of in these terms.

JUDGE

**sdw*

C E R T I F I C A T E

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

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 22/09/2016