

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders		Court's or Judge's orders
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CRIMINAL APPLICATION NO.1907 OF 2017

IN

CRIMINAL APPEAL NO.150/2017

RAVI S/O. SHIVAJI YADAO

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr.Salunke Sudarshan J
APP for Respondents/State: Mrs.Vaishali Patil -
Jadhav.

...

CORAM : V.L. ACHLIYA, J.

Dated: APRIL 21, 2017

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Applicant has moved this application seeking suspension of sentence and release on bail during pendency of appeal on the grounds set out in the appeal memo.

2. Heard learned Counsel for applicant and APP for the State. Learned Counsel for applicant submits that there is no cogent, convincing and reliable evidence to sustain conviction. He submits that applicant is victim of involvement in a false case on account of dispute with the

father of victim girl, is his uncle. He submits that the victim girl is real cousin sister of applicant. He submits that though the prosecution has approached with a case that the victim had jumped from the jeep, there is no evidence to show that she had sustained injury. He submits that there is good case to succeed in appeal. He further submits that during trial, applicant was on bail and trial Court has suspended the sentence to enable the applicant to prefer an appeal. He submits that applicant has deep roots in the society and he has no criminal antecedents.

3. On the other hand, learned APP appearing for the State opposed the application with contention that the applicant has committed an act of molestation and sexual assault on the minor girl, aged 15 years who is related with the applicant. She submits that looking to the nature of offence and the act committed by the applicant – accused, he may not be enlarged on bail.

4. Having appreciated the submissions advanced in the light of overall facts of the case, the reasons and findings

recorded by the trial Court, I am of the view that arguable case has been made out to be considered in appeal. Looking to the huge pendency of appeals and the sentence awarded, it may not be possible to take up the appeal immediately for final hearing. In case, the application is not allowed, there is every likelihood that the appeal may render infructuous. During trial, the applicant was on bail. The trial Court has suspended the sentence to enable the applicant to file an appeal. There is no case of breach of condition of bail by the applicant during trial. Hence, I am inclined to allow the application and pass the following order:

: ORDER :

- (1) Pending disposal of the appeal, the execution of substantive sentence stands suspended subject to deposit of fine amount.
- (2) Pending disposal of the appeal, the applicant be released on bail on his furnishing bail in the sum of Rs. 50,000/- (Rupees fifty thousand) with one surety in the like amount, on following conditions.
 - (i) Pending disposal of the appeal, the applicant shall attend Police Station Dharur, District Beed, on

last day of each month.

(ii) The applicant shall not indulge into any offence of similar nature during the pendency of the Appeal.

(iii) The applicant shall furnish the names of his three close relatives with their addresses and phone numbers.

(3) In the event of breach of any of the conditions of bail, the bail granted to the applicant will be liable to be cancelled.

(4) Bail be furnished in the trial Court.

(5) The Officer In-charge of the Police Station, Dharur, District Beed is directed to submit the report of compliance of conditions of bail after every six months.

5. Criminal Application stands disposed of in above terms.

(V.L. ACHLIYA, J)