

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.26 OF 2017
WITH
CRIMINAL APPLICATION NO.27 OF 2017
IN
CRIMINAL APPEAL NO.1175 OF 2015**

Ramkripal Sukhram Rajput)...Applicant

V/s.
State of Maharashtra)...Respondent

Mr. Vicent D'Silva with Ms. R.M.Gawde, Advocates for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 16th JANUARY 2017.

P.C. :

These are the third applications for suspension of sentence and releasing the applicant-accused on bail during the pendency of the appeal. The applicant-accused is found to have committed offence punishable under Section 4 of the Protection of Children From Sexual Offences Act, 2012 as well as under Sections 342 of the IPC and accordingly, he is sentenced to suffer RI for seven years with imposition of fine of Rs.1,000/- as well as

Rs.500/- on both counts apart from some imprisonment in default of payment of fine.

2 Heard learned counsel for the applicant-accused. He argued that applicant-accused has undergone more than 50% of substantive sentence and there is no likelihood of the appeal being heard in near future. As such, in submission of the learned counsel for the applicant-accused, applicant-accused deserves bail. To buttress this contention, he placed reliance upon

(1) Surinder Singh @ Shingara Singh
Vs.
State of Punjab AIR 2005 SC 3669

(2) Kashmira Singh
Vs.
The State of Punjab AIR 1977 SC 2147

(3) Md. Jabir @ Jhabo
V/s.
State of Bihar MANU/SC/1937/2009

Learned counsel drew my attention to the admission by the prosecutrix that she was having one side love affair with the accused and that place of incident was always locked. The learned counsel further drew my attention to the conduct of the prosecutrix by stating that her aunt admitted that in the evening

of the day of incident, the prosecutrix had food at her house though she herself has stated that she was suffering from pain in the abdomen.

3 The learned APP pointed out that two of such applications moved by the present applicant are rejected and, therefore, subsequent third bail application cannot be entertained.

4 I have considered rival submissions and perused the impugned judgment as well as statements of witnesses and the case-laws relied upon by the learned counsel for the applicant-accused. The prosecutrix was not of consenting age when the incident allegedly took place. Two successive bail applications filed by the applicant-accused are already rejected, one on 8.3.2016 and another on 5.8.2016. In the wake of this factual background, entertaining third bail application favourably would amount to review of earlier orders passed by some other learned judges of this Court. This exercise is not permissible. As two applications moved by the applicant-accused are already rejected by this Court previously, no case for bail by suspension of sentence

is made out. The application is rejected. However, hearing of the appeal is expedited.

(A. M. BADAR, J.)