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

***CRIMINAL APPLICATION NO.407 OF 2017
(FOR BAIL)***

***IN
CRIMINAL APPEAL NO.237 OF 2017***

***WITH
CRIMINAL APPLICATION NO.408 OF 2017
(FOR SUSPENSION OF SENTENCE)***

***IN
CRIMINAL APPEAL NO.237 OF 2017***

Chintaman Popat Gangurde

...Appellant

Versus

The State of Maharashtra

...Respondent

Mr.Sham V. Walve, i/b Mr.S.V.Walve, for the Applicant.

Ms.G.P.Mulekar, A.P.P. for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd MARCH, 2017

P.C. :

1. Heard learned counsel for the applicant and the learned APP.
2. By this application the applicant seeks his enlargement on bail, pending the hearing and final disposal of his appeal.

3. The applicant, has been convicted by the learned District Judge - 3 and Additional Sessions Judge, Niphad, District - Nashik, vide Judgment and Order dated 17th January, 2017 for the offences punishable under Sections 363, 366(A), 376(1) of the Indian Penal Code and has been sentenced to suffer R.I for 3 years, for the offence punishable under Section 363 of the Indian Penal Code; to suffer R.I for 5 years, for the offence punishable under Section 366(A) of the Indian Penal Code and to suffer R.I for 7 years, for the offence punishable under Section 376(1) of the Indian Penal Code. The trial Court has also imposed fine and in default sentence for the said offences.

4. Learned Counsel for the applicant states that the applicant was on bail pending trial and has not abused or misused the liberty granted to him. He submits that the fine amounts have also been deposited by the applicant. He further submits that the prosecutrix was about 17 years of age at the relevant time and that her cross-examination shows that she had gone with the applicant on her own accord and that it was a case of love affair.

5. Perused the papers. The Appeal has been admitted by a

separate order passed today and the same is not likely to come up for the hearing in the immediate near future. The sentence awarded is a short term sentence.

6. Considering the peculiar facts of this case and the fact that the applicant was on bail pending trial and that he has not abused or misused the liberty granted to him, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to Vadner Bhairav Police Station on the first Monday of every month between 10:00 a.m. to 11:00 a.m. pending the hearing and final disposal of his Appeal;
- (iii) The applicant shall not contact the prosecutrix.

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

8. In view of the disposal of the Criminal Application No.407 of 2017, the Suspension Application being Criminal Application No.408 of 2017 does not survive and the same is also disposed of.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)