

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.443 OF 2015

IN

CRIMINAL REVISION APPLICATION NO.513 OF 2015

**GURMEETSINGH @ KAKE DARBARSINGH)
PANNU)...APPLICANT**

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Rajeshchandra M. Kanojia, Advocate for the Applicant.

Ms.V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th JANUARY 2017.

P.C. :

1 Heard the learned counsel for the revisional applicant. He argued that as there is contradiction in the evidence of the victim and his brother PW3 Sunder Gupta, case for bail is made out. The learned counsel further argued that short sentence is imposed on the revisional applicant and therefore he be released on bail.

2 Learned APP opposed the application.

3 Perused the material made available. The revisional applicant was convicted of the offences punishable under Section 377 of the IPC and is sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.20,000/-, in default, to undergo further simple imprisonment for 1 month. This judgment of the learned Additional Chief Metropolitan Magistrate came to be confirmed by the Sessions Court and the revisional applicant has preferred this revision application challenging these judgments.

4 Perusal of statement of the victim as well as his brother PW3 Sunder Gupta, *prima facie* goes to show that the revisional applicant had indulged in carnal intercourse with the victim against the order of the nature. *Prima facie*, there is no illegality or perversity warranting release of the applicant / accused on bail during pendency of the revision application in the light of concurrent findings of facts recorded by both the courts below.

5 In this view of the matter, application for release of the revisional applicant / accused on bail by suspending the sentence is rejected.

6 Hearing of the revisional application is expedited.

(A. M. BADAR, J.)