

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

Criminal Application [APPA] No.531 of 2016

IN

Criminal Appeal No.307 of 2016

(Sharad Mahadeo Bramhane

vs.

The State of Maharashtra, through P.S.O. Chandrapur)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.V. Sirpurkar, Advocate for the Applicant/Appellant.
 Shri R.S. Nayak, A.P.P. for the Respondent/State.

CORAM : B.R. GAVAI AND
KUM. INDIRA JAIN, JJ.

DATE : MARCH 8, 2017.

Heard.

This is an application for suspension of sentence and grant of bail during pendency of the appeal.

The prosecution case mainly rests on the testimonies of the prosecutrix (PW-1) and her friend Raju Barde (PW-3).

As held by the Apex Court, a detail elaboration of evidence of the prosecutrix at this stage would not be necessary.

Perusal of the testimony of the prosecutrix itself would reveal that the F.I.R. is lodged after two days. It is further revealed that it is the case of the prosecutrix that forcible intercourse was committed on her by both the accused in the forest. She has further stated that in spite of her resistance, the

accused committed rape on her by giving threats to to kill her.

If the version of the prosecutrix is to be accepted, then, since the act was alleged to have been committed on the ground in the forest and since, according to the prosecutrix, there were resistance, there could have been some injuries on the person of the prosecutrix as well as the accused persons. However, the medical reports do not show injuries either on the person of the prosecutrix or the appellant.

In that view of the matter, we find that the appellant has a good case for suspension of sentence and grant of bail. Hence, the application is allowed.

The substantive sentence imposed on the appellant shall remain suspended during the pendency of the present appeal.

The applicant is directed to be released on bail on his furnishing a P.R. Bond in the sum of Rs.10,000/- (Rupees Ten Thousand Only) with one or more sureties in the like amount.

The application is disposed of accordingly.

JUDGE

JUDGE