

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 219 OF 2018
IN
CRIMINAL APPEAL NO. 203 OF 2018

Sagar @ Banda N. Waghmode vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. N.S.K.Ayubi Appointed Advocate for the Appellant.
Mr. P.N.Dabholkar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 01st March, 2018

P.C.

1. This is an application through Jail for suspension of sentence and releasing the applicant on bail in Sessions Case No.40 of 2016.

By an order dated 22.2.2018. Mrs. Ayubi, learned counsel has been appointed to represent the applicant.

2. Heard learned counsel for the applicant and the learned APP.

3. The applicant is convicted under Section 376(2)(n), 363, 366 of the Indian Penal Code and under Section 5 read with 6 of the Protection of Children from Sexual

Offences Act by the learned Additional Sessions Judge, Islampur in Sessions Case No.40 of 2016 by its Judgment and Order dated 4.8.2017.

4. The learned counsel appearing for the applicant submitted that it is an admitted fact on record that the victim girl eloped with the applicant on 9.3.2016 and was in his company till 8.4.2016 i.e. the date on which the applicant came to be arrested by the police. She further submitted that the victim girl was about 17 years of age on the date of incident. She submitted that record would indicate that there was love affair between the victim girl and the applicant and therefore, the victim girl left her parents house at her own will. She further submitted that the applicant was on bail during the pendency of the trial. She therefore, prayed that the applicant may be released on bail.

5. Perused the record.

6. Prima facie, I find substance in the submissions made by the learned counsel for the applicant. It prima facie appears that the victim girl had attained the age of

discrimination and understanding when she left with the applicant by leaving her parents house. It further appears that there was love affair between the victim girl and the applicant.

7. In view of the above, I am inclined to release the applicant on bail.

Hence, the following order.

- a) The applicant be released on bail in Sessions Case No.40 of 2016 on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the applicant shall mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m. If the said first Monday is Court holiday /public holiday the applicant shall mark his presence on immediate next day.
- c) Application is allowed in the aforesaid terms.
- d) The registry is hereby directed to communicate this order to the applicant who is lodged at Kolhapur Central Prison.

(A.S.GADKARI, J.)