

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.176 OF 2017

IN

CRIMINAL APPEAL NO.77 OF 2018

TATU MAVJI PAWAR

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

None for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th JUNE 2018

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused has been convicted of offences punishable under Sections 376, 452 and 506 of the Indian Penal Code. For the offence punishable under Section 376 of the Indian Penal Code he has been sentenced to suffer rigorous imprisonment for 10 years.

2 None for the applicant, even when the application is called out again in the second session.

3 Heard the learned APP and perused the Record and Proceedings. The applicant/accused is the neighbour of the victim of the crime in question. Evidence on record shows that even prior to the incident in question, the applicant/accused had committed sexual assault on the prosecutrix/PW1.

4 Evidence of the prosecutrix shows that in the night intervening 10th November 2014 and 11th November 2014, the applicant/accused entered in her house through the back door, when nobody was present in her house and committed forcible sexual intercourse with her. The prosecutrix has categorically deposed about the incident in question. Her evidence is gaining corroboration from evidence of PW5 Krishna who is her husband. She had immediately disclosed the incident to her husband i.e. PW5 Krishna. PW5 Krishna has explained that though accompanied by his wife i.e. the prosecutrix, he had been to the

police station for lodging the report, the police did not record the First Information Report (FIR) and therefore, they went to Vasai, where the FIR came to be recorded. The FIR at Exhibit 15 corroborates this version regarding belated registration of the FIR.

5 Considering the nature of offence and the manner in which it was committed, no case for grant of bail is made out.

6 The application is, therefore, rejected.

(A. M. BADAR, J.)