

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 650 OF 2018
IN
CRIMINAL APPEAL NO. 780 OF 2018**

Janardhan Laxman Kadam ... Applicant

vs.

The State of Maharashtra ... Respondent

Ms. Megha S. Bajoria i/b. Mr. Kuldeep S. Patil, Advocate for the applicant.

Mr. H.J. Dedhia, APP for the respondent-State.

**CORAM: Mr.S.S. SHINDE &
Mrs.MRIDULA BHATKAR, JJ..
DATED: 17th September, 2018**

P.C. :

1. This Application is moved by the applicant/accused for bail and suspension of sentence. The applicant/accused is convicted for the offence of rape under section 376(2)(i)(n), 323, 328, 506 of Indian Penal Code and under section 5,8 and 12 of Protection of Children from Sexual Offences Act, 2012 by the judgment and order dated 12th January, 2018 passed by the Additional Sessions Judge, Vashi in Special Case No. 10 of 2015. The maximum punishment is given under the offence of rape and sentenced to suffer life imprisonment and pay fine.

2. The learned counsel for the applicant-accused has submitted

that the applicant-accused is in prison since 2014, thus he has undergone four years in the prison. He has good case on merit and the Appeal will not be heard in near future. Today the applicant is 58 years old, therefore, he be bailed out.

3. Learned APP opposed the Application and has submitted that the victim was minor and was studying in 12th standard. The applicant/accused was approximately 54 years old when he raped the girl. He relied on the evidence given by the prosecutrix wherein she has given all the details about how the offence was committed. Learned APP further argued that the offence was committed repeatedly nearly for four months under threat and the girl was assaulted by the accused. He further submitted that the applicant-accused was not on bail throughout the trial.

4. Heard the submissions of learned counsel of both the sides. Perused the evidence of the prosecutrix so also the medical certificate. The girl was minor when the incident was taken. In view of this evidence and the submissions of learned APP, we are not inclined to grant bail in this case. Hence, Application is rejected.

(MRIDULA BHATKAR, J.)

(S.S. SHINDE, J.)