

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

**CRIMINAL APPLICATION NO.637 OF 2017
IN
CRI. REVISION APPLICATION NO.643 OF 2017**

Appaso Shiappa Korabu & Ors.	.. Applicants
Vs.	
The State of Maharashtra	.. Respondent

.....
Mr.Kuldeep U. Nikam, Advocate for the Applicants.
Mrs.M.R. Tidke, APP for the Respondent - State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 15, 2018.

P.C. :

The applicant was convicted by the J.M.F.C. Court Miraj, vide judgment and order dated 30th August, 2010 in RCC No.113 of 2000. The applicant was convicted for the offence punishable under Section 326 and 506 of Indian Penal Code (IPC) and sentenced to suffer four years of imprisonment. The applicant has preferred an Appeal against judgment and order convicting him. The said Appeal has been dismissed vide Judgment and order dated 3rd November, 2017.

2 State had also preferred an Appeal for enhancing the sentence of imprisonment awarded against the applicants. The

said Appeal was allowed vide judgment and order dated 3rd November, 2017, which was the common judgment dealing with the Appeal preferred by the Appellant as well as the State. The sentence of imprisonment stands enhanced to four years for an offence punishable under Section 326 of the IPC.

3 Learned advocate also pointed out the statements recorded by the trial Court wherein at the instance of the applicant – accused it was submitted that the victim was of bad character and had ravished girls and women of several people in the village and the alleged incident was on account of the upsurge of dirty deed of the victims. It was also submitted on behalf of the accused the delegations of people from the area had approached the authorities against the victim deprecating his conduct.

4 Learned APP vehemently opposed the application. He submits that bail should not be granted to the applicant.

5 Learned advocate for the applicant submitted that there is no reason for enhancement of sentence imposed by the trial Court. It is further submitted that the Appellate Court has

also erroneously dismissed the Appeal preferred by the applicant. The prosecution has not examined the panch witnesses. Even the investigating officer was not examined. The prosecution chose to examine only interested witnesses and other independent eye-witnesses were not examined. Learned advocate for the applicants, on instructions, submits that the applicants have surrendered before the trial Court today i.e. on 15th January, 2018. He also tendered copy of the application preferred by the applicants seeking their surrender before the trial Court.

6 Considering the issues raised in this application and also considering the fact that the Appellate Court has enhanced the sentenced from two years to four years of imprisonment, the sentence imposed by both the Courts is required to be sustained and the applicants have made out a case for grant of bail.

7 Hence, I pass the following order:

:: O R D E R ::

- (i) The sentence imposed vide judgment and order dated 30th August, 2010, passed by the J.M.F.C. Miraj in R.C.C. No.113 of 2000, which is

confirmed and enhanced vide judgment and order dated 3rd November, 2017, passed by the Sessions Court, Sangli, is suspended and the applicants are directed to be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or more sureties in the like amount;

- (ii) Applicants are directed to report Miraj Rural Police Station once in a month on first Saturday of every month between 10:00 a.m. to 12:00 noon, till further orders;
- (iii) Applicants shall not contact or threaten the victim during the pendency of Revision Application.
- (iv) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)