

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.24/2018 IN CRIMINAL APPEAL NO. 14/2018

(SURESH MANSARAM DAKHANE (IN JAIL) VERSUS THE STATE OF MAHARASHTRA, THR. PSO
PURADA, KURKHEDE, GADCHIROLI)

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

Court's or Judge's orders

Shri A.D. Ramteke, counsel for the applicant/appellant.
Mrs. K.S. Joshi, A.P.P. for the respondent.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : MARCH 06, 2018.

Heard.

By this application, the applicant seeks the suspension of the sentence convicting the applicant for the offences punishable under Sections 376-D, 341, 323 of the Penal Code and Section 3(1) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

We have heard the learned counsel for the parties and have perused the judgment of the Special Court, Gadchiroli, dated 14.11.2017. We find from a reading of the judgment and the evidence on record that the applicant was not named in the first information report though the husband of the victim who had accompanied the victim at the time of the incident allegedly knew the applicant. Admittedly, an identification parade was not conducted in the matter for identifying the applicant. The applicant was shown to the victim at the time of the trial and at that time, she had stated that she had identified him. The medical evidence does not support the prosecution case. The applicant was on bail during the trial and there is no material on record to show that he has misused the liberty granted to him. In the circumstances of the case, it would be necessary in the interest of justice to suspend the

sentence on the similar terms and conditions on which the applicant was released on bail by the order dated 13.10.2016 in Criminal Application (BA) No.799 of 2016.

The prayer made in the application is granted. The applicant may be released on bail on his furnishing P.R. bond in the sum of Rupees Fifty Thousand with one solvent surety in the like amount. The criminal application is disposed of accordingly.

JUDGE

JUDGE

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