

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.518/2018

IN

CRIMINAL APPEAL NO.359/2018

Sau. Asha w/o Baburao Upadhyaya

...Versus...

State of Maharashtra, through P.S.O. P.S. Ramnagar, Chandrapur, Distt.
Chandrapur

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

Court's or Judge's orders

Shri M.V. Rai, Counsel for applicant/appellant
Shri A.M. Joshi, APP for respondent

**CORAM : R.K. DESHPANDE AND
ARUN D. UPADHYE, JJ.**

DATE : 07/09/2018

The applicant is the accused no.3, who is convicted for the offence of abetment to the accused No.1 to illegally marry with a minor girl aged about 15 years. The role attributed to the applicant/accused was that when the victim refused to marry with the accused no.1- Rameshwarlal, the applicant/accused no.3 abused her. This is the omission which has been proved in the cross-examination of the Investigating Officer and also of the victim. *Prima facie*, it seems that on the basis of omission, the applicant is convicted.

We, therefore, find that the applicant is entitled for suspension of sentence and grant of bail. The applicant was released on bail during the course of trial.

Hence, the criminal application is allowed. The sentence imposed upon the applicant in Special POCSO Case No.62/2015 on 31/5/2018 stands suspended. The applicant/accused shall be released on bail on the same terms and conditions as were imposed while on bail during the pendency of trial.

The criminal application stands disposed of.

(Arun D. Upadhye, J.)

(R.K. Deshpande, J.)

Wadkar, P.S.

Shailendra
Sukhadeorao
Wadkar

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