

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

Criminal Application [APPA] No.1101 of 2017
in
Criminal Appeal No.621 of 2017

(Chandan Gendlal Taukar

vs.

The State of Maharashtra, through P.S.O. Wadi, Nagpur)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri A.Y. Sharma, Advocate for the Applicant-Appellant.
Shri S.D. Sirpurkar, A.P.P. for the Respondent-State.*

CORAM : S.B. SHUKRE, J.
DATE : 9th JANUARY, 2018.

Heard.

It is seen that there is no penetrative sexual assault in the present case. The story of the prosecution is of rubbing of private part of the accused with that of the victim of crime. However, even about this story, on going through the entire prosecution evidence, it appears that there are certain doubts, which have stood there very much. The defence of the accused is that of false implication on account of previous enmity. There are certain admissions given by the key prosecution witnesses about occurrence of quarrels on a few occasions between the mother of the victim and father of the accused. There is not much dispute about the fact that the father of the accused was the tenant of one Patle, who along with the father of the victim had agreed to purchase the house, in the half portion of which parents of the victim were residing at the time

of the incident. The accused was on bail as submitted by the learned Counsel for the appellant during trial of the case. These facts would, in my opinion, entitle the appellant to seek his release on bail, subject to his following some conditions.

The application is allowed.

The substantive sentence of imprisonment is suspended till final disposal of the appeal and till that time, the appellant is directed to be released on bail on his furnishing a P.R. Bond of Rs.50,000/- together with one solvent surety in the like sum subject to the conditions that the appellant shall deposit all the fine amounts in this Court within two weeks from the date of his release from the jail, if not paid, and shall appear before this Court as and when required.

The application is disposed of in the above terms.

Criminal Appeal No.621/2017 :

Heard.

Admit.

Call for record and proceedings.

JUDGE

**sdw*