

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2050 OF 2018
(FOR BAIL)
IN
CRIMINAL APPEAL NO.1517 OF 2018
WITH
CRIMINAL APPLICATION NO.2051 OF 2018
(SUSPENSION OF SENTENCE)
IN
CRIMINAL APPEAL NO.1517 OF 2018**

Ashvini Bhuvneshwar Tiwari ...Applicant
Versus
State of Maharashtra and Anr. ...Respondents

Mr. Tushar Sonawane a/w Mr. Vikas Sharma for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent No.1-State

Ms. Megha Bajoria, as *Amicus Curiae* for the Respondent No.2 -
Complainant.

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 9th APRIL 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks suspension of his
sentence and enlargement on bail, pending the hearing and final disposal
of his appeal.

3 The applicant has been convicted by the learned Additional Sessions Judge, Greater Bombay, vide judgment and order dated 29th November 2018, passed in Sessions Case No. 28 of 2014, for the alleged offence punishable under Section 376 of the Indian Penal Code and has been sentenced to suffer rigorous imprisonment for 7 years and to pay fine of Rs. 5,000/-, in default, to suffer further rigorous imprisonment for 6 months.

4 Learned Counsel for the applicant states that the applicant was on bail, pending the trial and that he has not abused or misused the liberty granted to him.

5 Perused the papers. It appears that the applicant and the prosecutrix, aged 30 years were to get married and due to some reason, the marriage was called off, pursuant to which, the prosecutrix lodged an FIR alleging an offence punishable under Section 376 of the Indian Penal Code, as against the applicant. The appeal has been admitted by this Court vide order dated 19th December 2018. It is not in dispute that the applicant was

on bail pending trial and that he has not abused or misused the liberty granted to him.

6 Considering the aforesaid, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions :

ORDER

(i) The applicant be released on cash bail in the sum of Rs.25,000/-, for a period of six weeks;

(ii) The applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) The applicant shall report to the trial Court, once in three months on the date specified by the trial Court, till his appeal is finally disposed of;

(iv) The applicant shall keep the trial Court informed of his

current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

(v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

7 The application is allowed in the aforesaid terms and is accordingly disposed of.

8 In view of the aforesaid, Criminal Application No.2051 of 2018 does not survive and the same is also disposed of.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.