

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

CRIMINAL APPLICATION (APPA) NO.968/2018 IN
CRIMINAL APPEAL NO.582/2018

Ravi s/o Ramesh Kirnapure .vs. State of Maharashtra through PSO P.S.
Gondia (R), Tq. Dist. Gondia.

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

Court's or Judge's orders.

Mr. A. R. Prasad, Advocate for applicant.
Mr. A. M. Joshi, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : JANUARY 31, 2019

This is an application for suspension of jail sentence and for grant of bail.

The applicant is convicted in Sessions Trial No. 68/2015 by learned Additional Sessions Judge, Gondia for an offence punishable under Sections 376 (1) (n) of the Indian Penal Code and directed to suffer rigorous imprisonment for ten years and pay a fine of Rs.5,000/-.He is also convicted for an offence punishable under Section 417 of the IPC and sentenced to suffer imprisonment for one year and to pay a fine of Rs.1,000/-.

The appeal was admitted by this Court (Coram: Z. A. Haq, J.) on 25.09.2018. On the said day, provisional bail was granted until further orders.

Today, I have heard learned counsel for the applicant and learned A.P.P. for the State. I have also perused evidence of the victim.

Admittedly, the victim was major when the first bout of sexual intercourse took place. Evidence of victim (PW1) shows that there was love affair between her and the appellant. Also after granting provisional bail on 25.09.2018 and after releasing from jail, it is not the case of the prosecution that the applicant has misused the liberty granted to him.

In that view of the matter, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Provisional bail granted to the applicant on 25.09.2018 is confirmed.
- (iii) Applicant is directed to mark his presence with Police Station, Gondia (Rural) once in six months during the pendency of the present appeal.
- (iv) The applicant shall remain personally present at the time of final hearing of this appeal.
- (v) At the time of admission, learned counsel for the applicant submitted that he will file private paper book. Hence, the applicant shall file the private paper book within eight weeks from today.

The application is disposed of.

JUDGE