

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

CRIMINAL APPLICATION (APPA) NO.1104/2018

IN

CRIMINAL APPEAL NO.697/2018

Prashant Suresh Deshmukh

..VS..

The State of Mah., thr. Police Station Officer, Police Station Pinjar, Taluka
Barshitakli, District Akola

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

Court's or Judge's Order

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Shri S.V.Sirpurkar, Counsel for the applicant/appellant.
Shri M.K.Pathan, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 10, 2019.

1. Heard learned counsel Shri S.V.Sirpurkar for the applicant and learned Additional Public Prosecutor Shri M.K.Pathan for the State.

2. On 30.11.2018, the present appeal is already admitted and the application for bail was ordered to be placed for consideration after receipt of record and proceedings. The record and proceedings are received.

3. By judgment and order of conviction dated 12.10.2018 passed by learned Additional Sessions Judge, Akola in Sessions Trial No.196/2014, the applicant is convicted for offences punishable under Section 376 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for 10 years. He is also convicted for offence punishable under Section 417 of the Indian Penal Code and

is sentenced to suffer rigorous imprisonment for 1 year. He is also convicted for offence punishable under Section 506 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for 1 year. The applicant is also convicted for offence punishable under Section 3(1)(12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Perused evidence of victim, a major girl. She in her evidence itself admitted that she was in love with the applicant.

5. After having gone through the relevant evidence, I am of the view that the applicant who was on bail during the course of the Trial can be granted bail since there is no chance that he will be available to the course of justice. That leads me to pass following order:

ORDER

(i) The criminal application is allowed.

(ii) The substantive jail sentence imposed upon the applicant by judgment and order of conviction dated 12.10.2018 passed by learned Additional Sessions Judge, Akola in Sessions Trial No.196/2014 shall remain suspended during the pendency of the present appeal.

(iii) The applicant shall be released on bail on he executing a P.R.Bond in the sum of Rs.50,000/- with two solvent sureties of the like amount.

(iv) Learned Judge below before whom the bail bonds will be executed shall ensure that before issuance of release warrant the applicant has deposited entire fine amount.

(v) The applicant is directed to visit Police Station Pinjar, Taluka Barshitakli, District Akola once in a six month.

(vi) The applicant is directed to remain present before the Court at the time of final hearing of the appeal.

(vii) If the applicant fails to appear as directed before the police station, it shall be open for the prosecution to file an application for cancellation of the bail.

(viii) With this, the criminal application is allowed and disposed of accordingly.

JUDGE

!! BRW !!

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