

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL INTERIM APPLICATION NO.01 OF 2019
IN
CRIMINAL APPEAL NO.1729 OF 2019**

Dasharath Krishnat Khot	..Applicant
Vs.	
The State of Maharashtra	..Respondent

.....

Mr. Umesh Mankapure a/w. Rati Sinhasane, Advocate for Applicant.
Mr. A. R. Patil, APP for Respondent/State.

CORAM : C. V. BHADANG, J.

DATE: 11th AUGUST, 2020

P.C. :

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

2. The applicant was prosecuted for the offence punishable under Section 376(2)(n), 450 and 506 of the IPC and Section 3(1)(w) and 3(2)(v)(va) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Atrocities Act' for short) on the allegation that the applicant had forcible sexual intercourse with the prosecutrix from November 2016 to 16/6/2017. Undisputedly, the prosecutrix at the relevant time was aged about 27 years and is stated to be a divorcee. It further appears that the prosecutrix reported the matter to the police on 18/6/2017 on which date the applicant was to get married.

3. The learned counsel for the applicant pointed out that the applicant was arrested in the midst of the marriage ceremony.

4. Be that as it may, the learned Sessions Judge, while acquitting the applicant from the offences under the Atrocities Act has convicted the applicant for the offences punishable under Section 376 (2)(n), 450 and 506 of IPC. For the offence punishable under Section 376(2)(n) of IPC, the applicant has been sentenced to suffer R.I. for ten years and to pay a fine of Rs.2,000/- and in default, to suffer S.I. for four months. For the offence punishable under Section 450 of IPC, the applicant has been sentenced to suffer R.I. for five years and to pay a fine of Rs.1,000/- and in default, to suffer S.I. for two months and lastly, for the offence punishable under Section 506 of IPC, the applicant has been sentenced to suffer R.I. for one year and to pay a fine of Rs.500/- and in default, to suffer S.I. for one month.

4. I have heard the learned counsel for the applicant and the learned APP for the State.

5. Prima facie, it appears that the prosecutrix is a grown up lady who was a divorcee and it is the allegation that the prosecutrix was subjected to forcible sexual intercourse for a period of about eight months from November 2016 to 16/6/2017. The matter was reported only on 18/6/2017 on the date on which the applicant was to get married. The applicant was on bail during the course of the trial. The fine amount is stated to be paid.

6. In the result, the following order is passed.

ORDER

1. The substantive sentence of imprisonment awarded to the applicant is hereby suspended pending the disposal of the appeal on condition of the applicant executing a PR. Bond for Rs.25,000/- with one or two solvent sureties in the like amount and on payment of fine if not already paid.

2. The applicant is permitted to deposit cash security with the learned Sessions Judge for a period of eight weeks after which the applicant shall furnish the PB. / S.B. as above.

3. The applicant shall undertake to remain present before this Court as and when directed.

4. The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.