

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

CRIMINAL APPLICATION (APPA) NO.1010 OF 2019

IN

CRIMINAL APPEAL NO.807 OF 2019

(Naresh Mohan Keram ..vs.. State of Maharashtra, through PSO Kalamb)

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

Court's or Judge's orders

Shri S.K. Sable, Counsel (appointed) for the applicant,
Shri V.A. Thakre, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 18-02-2020

The Sessions Court has recorded a finding that the victim was aged 17 years and 9 months when she and the accused eloped.

2. At this stage, there is nothing to disbelieve the prosecution case, which is accepted by the Sessions Judge that the accused established sexual relationship with the victim.

3. However, the age of the victim, which is the crux of the matter, is seriously disputed. Several submissions are canvassed by the learned Counsel as regards the finding recorded by the Sessions Judge as to the age of the victim. It is not necessary to make any decisive observation at this stage. I am satisfied that the substantive sentence is liable to be suspended during pendency of the appeal.

4. The application is allowed. The substantive sentence is suspended during pendency of the appeal, subject to the applicant/appellant depositing the fine amount in the trial Court, if not already deposited.

5. The accused be released on bail. Bail as in trial Court.

6. The fees of the learned appointed Counsel be quantified and paid as per the rules.

JUDGE

adgokar