

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 CRIMINAL APPLICATION NO.2482 OF 2020

SIDDHESHWAR @ SIDDHU PANDIT
SURYAWANSHI

..APPLICANT

V E R S U S

THE STATE OF MAHARASHTRA

..RESPONDENT

...
Advocate for Applicant : Mr. R.D. Biradar
APP for Respondent No.1: Mrs. G. L. Deshpande
Advocate for respondent No.2 : Mr. A.R. Gaikwad
(Appointed)

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**CORAM : N.R. BORKAR, J.
DATE : 24.11.2021**

PER COURT :-

This application was heard on 16.11.2021 and as I was not inclined to suspend the substantive sentence and release the applicant on bail, the application was adjourned at the request of learned counsel for applicant to take instruction for withdrawal of present application with liberty to file application on completion of half of the sentence.

2. Today, learned counsel for the applicant submits that the applicant has taken back the brief from him to engage a new lawyer. However, today, there is no appearance on behalf of

the applicant.

3. The applicant came to be convicted for the offence punishable under Sections 376(1), 506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs. 1,000/- in-default to suffer simple imprisonment for six months.

4. Admittedly, the applicant is real maternal uncle of the victim. The victim who at the relevant time was aged about 12 years has stated in her evidence that on 02.11.2017 the present applicant took her to the Shrikrishna Hotel and committed sexual intercourse with her. She has further stated that thereafter the applicant in the month of December, 2017 took her to the house of her grand parents and there again he committed sexual intercourse with her in the field near to her grand parents' house. Considering the fact that present applicant is real maternal uncle of the victim, *prima facie* there appears to be no reason for the victim to involve him in false case. Considering the nature of offence, I am not inclined to suspend the sentence and release the applicant on bail.

5. In the result the application is rejected.

6. Record and proceedings be sent back to the concerned Session Court. The concerned Session Court shall prepare the paper books and shall re-submit the record and proceedings with the paper-books.

7. Hearing of the appeal is expedited. If the appeal is not heard even till completion of half of the sentence by the applicant, in that eventuality the liberty is granted to the applicant to move an application for suspension of sentence.

(N. R. BORKAR)
JUDGE

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