

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CRIMINAL APPLICATION NO.2913 OF 2019
IN APEAL/853/2019 WITH APEAL/853/2019

PRAKASH @ PAPPU S/O. VISHWANATH ZINZURDE
VERSUS
THE STATE OF MAHARASHTRA

Mr.Amol S. Gandhi, Advocate for the applicant.
Ms.R.P. Gaur, APP for the respondent/State.
Mr.S.S. Nade, Advocate for respondent No.2.

CORAM : N.R.BORKAR, J.
DATED : 08.12.2021

PC :-

01. This is an application under section 389 of the Cr.P.C. for suspension of sentence and to release the applicant on bail.

02. The applicant came to be convicted for the offences punishable under sections 363, 366-A of the Indian Penal Code and sections 4 and 6 of the Protection of Children from Sexual Offences Act. The applicant is sentenced to suffer rigorous imprisonment of seven years for offence punishable under section 363 of the IPC, ten

years for the offence punishable under section 366-A of the IPC and 15 years for offence punishable under section 4 and section 6 of the Protection of Children from Sexual Offences Act.

03. I have heard the learned Counsel for the applicant and learned APP for the respondent/State.

04. At the relevant time the prosecutrix was studying in 9th standard. She was aged about 16 years. According to the prosecutrix, present applicant, who is cousin of her mother, took her to various places. She stated that the applicant committed sexual intercourse with her, because of which, twice she became pregnant and the applicant made her to abort the said pregnancy. It appears from the evidence on record that the applicant was already married.

05. Considering these facts, I am not inclined to suspend the sentence and release the applicant on bail.

06. The application is rejected.

07. Hearing of the appeal is expediated.

08. Liberty is granted to the applicant to move the application for suspension of sentence on completion of half of the sentence.

[N . R . BORKAR , J .]