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

***INTERIM APPLICATION NO.780 OF 2020
IN
CRI. APPEAL NO.255 OF 2020***

Abhishek Ganpat Munankar ... Applicant
Vs
The State of Maharashtra & Anr. ... Respondents
...

Mr. V.V.Purwant for the Applicant.

Mrs. Sharmila Kaushik, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 27th JANUARY, 2021.

P.C. :

Heard.

2 Pending appeal against the conviction under Section 376 of the Indian Penal Code, 1860 and Section 4,8 of the Protection of Children From Sexual Offences Act, 2012, the applicant is seeking suspension of sentence and his enlargement on bail. I have perused the judgment and depositions of prosecution witnesses. Accused-Appellant

has been sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.10,000/- both under Section 376 of the IPC and POCSO Act.

3 In the year 2017 when the FIR was registered against the appellant, he was 20-21 year old; whereas victim was under 18 year of age. Prima-facie, therefore, her “consent” was immaterial.

4 Evidence, however, suggests that the victim and the applicant had fallen in love with each other. Pending trial, applicant married another girl and from the said wedlock, child was born. Applicant was in jail hardly for a year and six months.

5 In consideration of the facts of the case, age of the applicant, appeal is directed to be listed for final hearing on final hearing board in a week commencing from 14th March, 2021.

6 In view of aforesaid fact, application is disposed
of.

(SANDEEP K. SHINDE, J.)