

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

CRIMINAL APPLICATION NOS.468/2021 AND 469/2021 IN
CRIMINAL APPEAL NO. 335/2021

Kailas s/o Hiranman Salve (In Jail) .vs. The State of Maharashtra through
PSO P.S. Khadan, Tq. Dist. Akola.

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

Court's or Judge's orders.

Mr. A. S. Londhe, Advocate for appellant.
Mr. S. M. Ghodeswar, A.P.P. for respondent.

CORAM : V.M. DESHPANDE AND AMIT B. BORKAR, JJ.
DATED : SEPTEMBER 20, 2021

These are the applications for suspension of substantive jail sentence, suspension of fine amount and for grant of bail.

The applicant has filed application for grant of bail before this Court challenging the judgment and order of conviction passed by learned Additional Sessions Judge, Amravati dated 05.08.2021 in Sessions Trial No.172/2014 whereby the learned Judge has convicted the applicant for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and under Section 4 of the Protection of Children From Sexual Offences Act. The applicant is directed to suffer imprisonment for life.

At the time of admission of this appeal, record and proceedings were called. Accordingly, record and proceedings were placed before this Court, when these applications were taken up for consideration.

Heard Mr. Londhe, learned counsel for applicant and Mr. Ghodeswar, learned A.P.P. for non applicant-State. With their able assistance, we have gone through the relevant papers essential for considering the application for bail. Also, we have seen the FIR as well as evidence of the victim. The prosecution was successful in proving the fact that the victim was a “child” within the meaning of provisions of the POCSO Act, when she was enticed and kidnapped by the applicant, who is a married man of 32 years of age. It appears that thereafter, the applicant has gave her promise of marriage and committed rape on her.

Since the applicant, who is a married male, has enticed a minor on promise of marriage and thereafter exploited her sexually, in our view, the learned Judge was absolutely right in convicting the applicant for the offence, for which he was charge. No case is made out by the applicant. The applications are, therefore, rejected.

JUDGE

JUDGE