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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.96 OF 2022
IN
CRIMINAL APPEAL NO.719 OF 2018

Anil Sunil Tasambad] .. Applicant
vs.
The State of Maharashtra] .. Respondent

Mr.Vivek Punjabi, for Applicant.

Mr.V.B. Konde-Deshmukh, APP for State.

**CORAM : S.S.SHINDE &
N.R.BORKAR, JJ**

DATE : 4TH FEBRUARY 2022

P.C.

1] This application is filed by the applicant for suspension of sentence and to release him on bail during the pendency of the Appeal.

2] The applicant inter-alia came to be convicted for the offence punishable under Section 376(D) of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for 20 years.

3] The learned counsel for the applicant submits that the medical evidence is not consistent with the version of the prosecutrix. He submits that during medical examination, no external injuries were

found on the person of the prosecutrix. It is submitted that in test identification parade neither the prosecutrix nor the husband of the prosecutrix has identified the present applicant. It is submitted that considering these facts and circumstances the sentence needs be suspended and the applicant needs be released on bail.

4] On the other hand, the learned APP submits that the prosecutrix has specifically named the present applicant in the First Information Report. It is submitted that there is no suggestion in the cross-examination that applicant was not known to the prosecutrix. It is submitted that there is also no material on record to infer false implication. It is, thus, submitted that the sentence may not be suspended and the applicant may not be released on bail.

5] The prosecutrix, on the date of incident, was aged about 60 years. She has specifically stated that the present applicant alongwith other co-accused committed rape on her. There is no material to infer false implication. The evidence of husband of the prosecutrix is also consistent with the version of prosecutrix.

6] Considering the above facts and circumstances, we are not inclined to suspend the sentence and release the applicant on bail. In the result, Interim Application is rejected. The observations made in this order are confined to the adjudication of present application only.

[N.R.BORKAR, J]

[S.S.SHINDE,J]