



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4088 OF 2023  
IN CRIMINAL APPEAL NO. 1078 OF 2023

Aditya s/o Anup Dhanve,  
Age: 35 years, Occupation: Service,  
R/o: Kagdive, Near Balbhim College,  
Beed.

... Applicant

Versus

The State of Maharashtra

... Respondent

.....

Mr. Rahul P. Mote, Advocate for the Appellant.

Mr. N. D. Batule, APP for Respondent-State.

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**CORAM : ABHAY S. WAGHWASE, J.**

**DATED : 10.01.2024**

**ORDER :**

1. By instant application, applicant convict is seeking suspension of sentence and grant of bail by virtue of his conviction recorded by Additional Sessions Judge, Beed in Sessions Case No. 74 of 2019 vide order dated 03.10.2023 holding him guilty for offence punishable under Sections 376 and 506 of the Indian Penal Code.

2. Learned counsel would submit that though offence is of rape, victim is apparently an adult. Applicant was on bail during trial. There are accusations that victim, when went for urination, was allegedly caught from behind and forcibly raped. However, according to learned counsel there was previous acquaintance and relation. Merely for refusal to marry, false complaint has been filed. That, medical

evidence also suggests old tear. That, applicant has strong case on merits. As much more time would be required to hear the appeal, he prays for suspension of sentence and grant of bail.

3. While opposing the above application, learned APP would submit that offence is grievous. There are allegations of forcible rape. That, according to him, merely because he was on bail during trial, would not be a good ground for granting bail or suspending sentence.

4. Heard both sides. Perused the papers and the judgment under challenge.

5. On carefully going through the testimony of victim, according to her, when she went out of the house around 1.00 a.m. for urination, she has alleged that appellant-applicant came from behind and forced himself on her. She has categorically stated that she was forcibly sexually assaulted. Therefore, considering the gravity of the offence and the circumstanced in which it has taken place, no case is made out for grant of relief as prayed. Hence, the application is rejected.

**[ABHAY S. WAGHWASE, J.]**