

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO. 548 OF 2023
IN
CRIMINAL APPEAL NO.142 OF 2023

Mahadeo Daji Bansode Applicant

V/s.

State Of Maharashtra And Anr. Respondents

NILAM
SANTOSH
KAMBLE

Digitally signed
by NILAM
SANTOSH
KAMBLE
Date:
2024.10.24
14:19:40 +0530

Mr.Satyavrat Joshi a/w Mr.Samay Pawar, for the Applicant.
Mr.Hrishikesh Sopan Shinde, for Respondent No.2.
Mr.S.H. Yadav, APP, for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd OCTOBER 2024

P.C:-

1. By this Application, the Applicant is seeking suspension of sentence and bail in Special Case No.112 of 2021.

2. The Applicant has been convicted for the offence punishable under Section 376(1) and 376(2)(f), 376(2)(n) of the Indian Penal Code, 1860 ('IPC' for short) and sentenced to suffer RI for 10 years and to pay fine of Rs.7,500/- in default of payment of fine, to suffer RI for five months.

3. The Applicant has been convicted for the offence

punishable under Section 506 of IPC and sentenced to pay fine of Rs.2,500/- in default of payment of fine, to suffer simple imprisonment for 15 days.

4. It is prosecution case that, the Applicant is father in law of victim. The victim is handicapped. The Applicant by giving threat sexually assaulted her on various times. Due to fear of Applicant the victim did not disclosed initially but she disclosed incident to her parents. Thereafter, complaint was lodged against the Applicant. After trial Applicant has been convicted as referred above.

5. It is contention of the learned counsel for the Applicant that, the Applicant is falsely implicated in this case. The victim was handicapped, her right hand and right side is weak. The Applicant and his son did not have knowledge about the disability of the Applicant at the time of the marriage. The Applicant had promised his son that he will get him married second time because of the victim's disability due to which victim had anger against the Applicant. Thereupon the victim and her father lodged false complaint against the Applicant. The learned

counsel further submitted that, the Applicant is more than 60 years old and suffering from high blood pressure and diabetes. He is behind bar for more than 3 years. It may take time to dispose of the Appeal. Hence, requested to allow the Application.

6. It is contention of the learned APP along with learned counsel for Respondent No.2 that, the Applicant sexually assaulted his own daughter-in-law on various times by giving her threat. The Applicant has misused his position. The victim has no reason to implicate the Applicant in false case. The evidence of the victim remained unshaken before the Trial Court. In the medical examination of the Applicant it has been proved that, the Applicant was potent to do sexual act. If he release on bail he may abscond. Hence, requested to reject the Application.

7. I have heard all learned counsel. Perused impugned judgment and order and deposition of witnesses produced on record.

8. From the evidence of PW-1-Victim, it appears that she was sexually assaulted by the Applicant on various times. He

threatened her to not disclose said fact to anyone. During that period victim had gone to meet her parents but she did not disclose the said fact to them nor any complaint was made by the victim. At the time of incident, the victim was 19 years old. The Applicant is behind bar for more than 3 years. He is more than 60 years old. He is suffering from hypertension and diabetes. It may take time to dispose of the Appeal. Considering these facts, I am inclined to allow the Application and I pass following order.

ORDER

(i) The Applicant-Mahadeo Daji Bansode be enlarged on bail in Crime No.594 of 2021 registered with Pandharpur Taluka Police Station, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

9. The Application is allowed in the aforesaid terms and accordingly disposed off.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)