



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

CRIMINAL APPLICATION NO.253 of 2024

IN

CRIMINAL APPEAL NO.136 OF 2024

Sachin Vitthalrao More

Vs.

State of Maharashtra, through PSO, PS Seloo, District Wardha and another

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

Ms Sonali Khobragde, Advocate for appellant.

Ms Mukta Kavimandan, APP for State.

CORAM : G.A. SANAP, J.

DATE : 26.06.2024

Heard learned Advocate for the appellant and
learned APP for the respondent/State.

2. This is an application filed by the
appellant/accused for suspension of his sentence and grant
of bail awarded pursuant to the order dated 09.03.2023
by the learned Extra Joint Additional Sessions Judge
(Special Court), Wardha in Special (Ch. Act) Case
No.53/2019.

3. The maximum sentence awarded for the
offence punishable under Section 376(2)(n)(h) of the
Indian Penal Code is 10 years rigorous imprisonment.

4. I have gone through the record and
proceedings.

5. Perusal of the judgment would show that as per the D.N.A. report, the accused is found to be biological father of the child born to the victim. Learned Judge, on the basis of the evidence has recorded a finding that victim on the date of the crime was child. Learned Advocate for the appellant submitted that appellant has been in jail for five years. This appeal may take its own time for final adjudication. Learned Advocate submitted that the sentence may be suspended and he may be released on bail.

6. Learned APP opposed the prayer. Learned APP submitted that there is cogent and concrete evidence against the accused. The Court has recorded finding on proper appreciation of the evidence. Learned APP submitted that in view of his conviction and sentence for the major offence, his contention that he has been in jail for five years is of no significance.

7. On considering the facts and circumstances of the case and more particularly the fact relating to the quantum of sentence for the proved offence, I am of the view that this is not a fit case to suspend the sentence and release the accused on bail. Accordingly, the prayer cannot be allowed. The application is **rejected**.

8. Criminal Application (APP) No.253/2024

stands disposed of.

9. Office shall expedite the paper book and list the matter for final hearing board as per its turn.

(G. A. SANAP, J.)

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