



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

CRIMINAL APPLICATION (APPA) NO. 505 OF 2024

IN

CRIMINAL APPEAL NO.283 OF 2024

Sandeep Laxman Parteki

Vs.

State of Maharashtra, through PSO, PS Frezarpura, Distt. Amravati

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

Mr K.G. Rathi, Advocate (Appointed) for appellant.
Mrs. S.V. Kolhe, 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 substantive sentence
and grant of bail.

3. The appellant has been convicted by the
learned Additional Sessions Judge, Amravati, District
Amravati in Sessions Case No.72/2019 vide judgment
and order dated 29/11/2023 for the offence punishable
under Section 376 of the Indian Penal Code (for short
"I.P.C."). He is sentenced to suffer rigorous imprisonment
for 10 years and to pay fine of Rs.10,000/- for the offence
punishable under section 376 of the I.P.C. The accused

has been convicted and sentenced on other counts as well.

4. It is the case of the appellant that he has been falsely implicated because he refused to marry with the prosecutrix. It is submitted that no fresh injuries were found on the body of the prosecutrix at the time of her examination. Learned Advocate submitted that there is no other evidence except version of prosecutrix. Learned Advocate submitted that appellant has good case on merit and therefore, he may be released on bail by suspending substantive sentence.

5. Learned APP submitted that learned Additional Sessions Judge, Amravati has found the evidence of the prosecutrix worth, credible and reliable. Learned APP submitted that the reasons have been recorded by the learned Judge to convict the accused.

6. I have gone through the record and proceedings. It is seen that the conviction is based on the sole testimony of the prosecutrix. Admittedly, there were no injuries on the body of the prosecutrix. The medical officer, in her evidence has stated that there could be possibility of sexual assault. The appeal may take its own time for final adjudication. In my view, considering the facts and circumstances of the case, it would be just and proper to allow this application. Hence following order:-

ORDER

7. Accordingly, the application is allowed.

i) The sentence awarded by the learned Additional Sessions Judge, Amravati in S.T. No.72/2019 vide judgment and order dated 29.11.2023 for the offences punishable under Sections 376, 354, 451 and 506 of the Indian Penal Code shall remain suspended during the pendency of this appeal.

ii) Appellant- Sandeep Laxman Parteki be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) and one surety in the like amount .

iii) The surety be submitted before the Trial Court.

8. Criminal Application stands disposed of.

(G. A. SANAP, J.)