



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**913 CRIMINAL APPLICATION NO. 4470 OF 2025
IN APEAL/898/2025**

Suraj Babu Lature (Pathan),
Age : 40 years, Occupation: Labour,
R/o.: Takli, Tq. & Dist. Dharashiv. ... Applicant

Versus

The State of Maharashtra. ... Respondent

...

Mr. Sachin Subhash Panale, Advocate for Applicant;
Ms. A. S. Deshmukh, APP for Respondent-State.

...

CORAM : NEERAJ P DHOTE, J.

DATE : 9th DECEMBER, 2025

P.C.:-

1. This is an application for suspension of sentence awarded by the learned Fast Track Court, Dharashiv, District Dharashiv in Sessions Case No.175 of 2022 convicting the Applicant/Appellant for the offences punishable under Sections 376(2), 323 and 506 of the Indian Penal Code (IPC) and sentencing him to suffer rigorous imprisonment for 10 years, 6 months and 1 year, respectively, with fine of Rs.10,000/-, Rs.500/- and Rs.2,000/- and default sentences, respectively.

2. Heard learned Advocate for the Applicant/Appellant and learned APP for the Respondent-State. Perused the relevant evidence pointed by the learned Advocate for the Applicant/Appellant and

learned APP.

3. It is a case of prosecution that, in June 2022, the Victim with her lady friend had been to Patoda village for searching work. Her friend was acquainted with one-Mudatsir Shaikh, who came with the Applicant/Appellant. The Victim's friend went on the motorcycle of Mudatsir and the Victim left the said village on the motorcycle with the Applicant/Accused. On the way to Tuljapur, i.e., the village where the Victim was residing, the Applicant/Appellant committed sexual intercourse with the Victim forcibly. On the next date, the Victim informed about the incident to her said friend, who asked her to let it go. The Applicant/Appellant had taken the phone number of the Victim. They used to talk with each other. The Applicant/Appellant took her to lodge where the sexual intercourse took place. The Applicant/Appellant took the photographs and video of the Victim. The Victim gave Rs.50,000/- to the Applicant/Appellant for not disclosing the said incident to anybody. Eventually, the report was lodged with the police and crime came to be registered against the Applicant/Appellant. After investigation, the Applicant/Appellant was charge-sheeted. After the Trial, learned Trial Court convicted and sentenced the Applicant/Appellant as above.

4. It is committed by the learned Advocate for the

Applicant/Appellant that, there were consensual relations between the Applicant/Appellant and the Victim and when the Applicant/Appellant neglected the Victim, she lodged this false report. The testimony of the Victim in respect of the committing rape and paying money to the Applicant/Appellant is false. The Victim was admittedly 35 years old at the time of the alleged incident. The Applicant/Appellant has good case on merits and, therefore, the Application be allowed.

5. The Application is opposed by the learned APP. She submits that, the Victim has deposed about the incident of rape on her by the Applicant/Appellant. The Medical evidence is not necessary and Victim's testimony is sufficient for conviction. The Application be rejected.

6. The case largely rests on the testimony of the Victim, who is examined as PW1. Admittedly, she was around 35 years of age at the time of incident i.e. June 2022. Her testimony shows that, though the Applicant/Appellant had committed sexual intercourse forcibly with her while they were travelling together on a motorcycle, subsequently she accompanied the Applicant/Appellant to the lodge, where again sexual intercourse took place. Her evidence shows that, telephonic conversation used to take place between them. This evidence on record does not rule out the possibility of consensual relations between the Applicant/Appellant and the Victim. The report is lodged in September

2022 i.e. after the period of over three months. The medical examination report of the Victim shows that, she refused to undergo the medical examination. The Appeal is recently admitted and there is no possibility that it would come up for final hearing in the near future and hence, I am inclined to allow the application. Hence, the following order:-

ORDER

- (i) The Application is allowed.
- (ii) The substantive Sentence imposed by the earned Fast Track Court, Dharashiv, District Dharashiv in Sessions Case No.175 of 2022 vide the Judgment and order dated 12.11.2025 on the Applicant, by name, Suraj Babu Lature (Pathan), for the offence punishable under Sections 376(2), 323 and 506 of IPC, is suspended during pendency of the Appeal.
- (iii) Applicant - Suraj Babu Lature (Pathan) be released on bail on furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (iv) The Applicant – Appellant shall co-operate in early hearing of the Appeal.
- (v) Bail before the Trial Court.

(vi) Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

Tauseef