2026:BHC-AUG:51375

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 840 OF 2026
IN APPEAL/145/2026

Deepak S/o Ramesh Biradar
Age: 27 years, Occu.: Agri.,
R/o.: Mortalwadi,
Tal.Udgir, District Latur. ….Applicant

Versus

The State of Maharashtra
(Through P.S.O., Police Station, Wadhwana,
Tal.Udgir, District Latur.) …..Respondent

…..

Mr.Mahesh Deshmukh h/f. Mr.Uddhav Laxmanrao Momale, Advocate for Applicant.
Mrs.Chaitali Chaudhari Kutti, APP for Respondent No.1.
Mr.Ramrao D.Biradar, Advocate for Respondent No.2.

…..

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 22 OCTOBER, 2026
Pronounced on : 23 OCTOBER, 2026

ORDER :

1. Instant application is for suspension of substantive sentence and grant of bail as a result of Judgment and order of conviction rendered by learned Additional Sessions Judge, Udgir, District Latur, on 17-02-2026 for offence punishable under Sections 376(1), 457 and 506(2) of the Indian Penal Code (IPC).

2. Learned counsel for the applicant submitted that, applicant is younger than the prosecutrix victim. That, there are allegations of rape, but there are no signs of force. Moreover, there is no prompt lodgment of FIR. That, as many as 7 witnesses are examined by prosecution but no neighbouring witness is examined. That, applicant has a good case in appeal. That, applicant was on bail during trial. However, as appeal is of 2026, it may not be heard in immediate near future and so he prays for relief of suspension of sentence and grant of bail.

3. Both learned APP as well as learned counsel for respondent No.2 would point out that, offence is duly proved by prosecution. That, there is scientific evidence coupled with reliable testimony of prosecutrix. Being serious offence, they oppose relief of suspension of sentence and grant of bail.

4. Heard. Perused the papers.

5. Applicant is convicted by learned Additional Sessions Judge, Udgir, District Latur for above offences. Victim is examined as PW1, who deposed that, as her daughters are married and her son resides in Mumbai, she is residing alone. That, she knew accused, who was

her neighbour and in the night of 21-04-2021, at around 02:00 a.m. when she was sleeping in her house, accused gagged her. She claims to have resisted by saying that, he was like her son and also had a wife, but he pulled her saree and committed rape on her followed by threats to kill. She claims to have reported it to son of her sister on phone. Though, she faced cross-examination, nothing adverse is brought to disbelieve her version. There is immediate disclosure to PW2 neighbour. PW6 Medical Officer, after noting history of penetrative sexual assault by neighbour i.e. accused, found her lips to be swollen, which suggests marks of force and resistance. Victim, who was all alone in the house, has withstood the grueling cross-examination.

Therefore, on complete appreciation of evidence, there is conviction. No good ground is made out to grant relief as prayed. If the applicant/appellant so desires, appeal itself can be taken up for hearing. Accordingly, following order is passed :

ORDER

The Criminal Application is rejected.

[ABHAY S. WAGHWASE, J.]

SPT