



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4184 OF 2025
IN
CRIMINAL APPEAL NO.65 OF 2026

Charan S/o. Premsing Sulawane,
Age : 27 years, Occu. : Business,
R/o. Sulibhanjan, Tq. Khultabad,
Dist. Aurangabad.

... Applicant

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Jawahar Nagar Police Station,
Aurangabad.

2. X.Y.Z.

... Respondents

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Dr. Anagha n. Pedgaonkar, Advocate for Applicant.

Mr. B. B. Bhise, APP for Respondent No.1 – State.

Mr. R. M. Gaikwad, Advocate for Respondent No.2 (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 27 APRIL 2026

PRONOUNCED ON : 28 APRIL 2026

ORDER :

1. Present application is for suspension of sentence awarded by learned District Judge-5 and Additional Sessions Judge, Aurangabad dated 30.06.2023 in Sessions Case No. 87 of 2019 recording guilt of the applicant for offence under sections 376(2)(m), 354(D)(1)(i), 337, 324, 341, 346, 365, 366, 323, 504 and 506 of IPC.

2. Learned counsel submitted that, applicant was charge sheeted

and tried for above charges and by judgment and order dated 30.06.2023, he came to be convicted. She further pointed out that, applicant is behind bars since seven years. When incident took place, he was merely 25 years of age. That, there was solitary incidence, but according to her, there was long acquaintance and even love relations and as such the act was consensual one. She pointed out that, accused and victim are classmates. That, victim has willingly accompanied accused and had indulged in maintaining relations i.e. while her husband was suffering sentence. She further pointed out that, alleged occurrence is of 12.11.2018, but FIR is of 15.11.2018, and as such, it is delayed FIR.

3. She further submitted that, story subsequently put-forth at the instance of in-laws was that, she was made to consume laced drink and therefore she did not realize the act. That, medical evidence to that extent is not supporting. She pointed out that, in fact, it is her story itself that she was dropped at bus stand, but she has not informed anyone about the incident, and moreover, also did not inform her family members immediately after reaching matrimonial home. According to her, allegations are vague and non specific. That, there is defence of accused that he had given his gold ring in the marriage of her sister and to avoid to return it, there is false implication. Lastly, she submitted that applicant's sister is getting married and for above reasons, she prayed to suspend the sentence and grant of bail.

4. Learned APP strongly opposed on the ground that serious offences are proved to be committed upon full-fledged trial. Moreover, he pointed out that, conduct of accused has been noted by the learned trial Court while he is in jail and as he has criminal antecedents, he strongly opposed relief of suspension of sentence and grant of bail.

5. Perused the papers. Victim seems to be a married lady having children. She reported that, on 12.11.2018, on the pretext of dropping her home, accused offered bisleri bottle to drink and after sometime, she felt giddy and when she regained consciousness, she found herself in a room, tied her and he committed rape on her. On her such report Exh.49, crime was registered and accused was made to face trial and ultimately on analyzing testimony of 11 witnesses, learned trial Court has held the charges to be proved and convicted him for above offences.

6. Apparently, offences are serious. Though applicant has allegedly suffered seven years jail till date, in the light of magnanimity of the accusations, which are proved on full-fledged trial and also taking into account the antecedents to which there is reference in the judgment of the learned trial court, this court is not inclined to extend the benefit of suspension of sentence and grant of bail.

7. The application is hereby rejected.
8. Fees of learned Advocate, who is appointed to represent cause of respondent no.2 is to be paid by the High Court Legal Services Sub - Committee, Aurangabad as per rules.

(ABHAY S. WAGHWASE, J.)