

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1316 OF 2025
IN
APPEAL NO. 333 OF 2025

Komal Sunil More Alias Kori ..Applicant
Versus
State of Maharashtra and Anr ...Respondents

Ms Shubhangi Parulekar, with Grishma Parab, for the Applicant.
Smt. R.S. Tendulkar, APP, for Respondent No.1.
Ms. Isha Hajare, i/b Dr Uday Warunjikar, for Respondent No.2.

CORAM: N. J. JAMADAR, J.
DATE : 6th AUGUST 2026

ORDER:

1. This is an Application for suspension of sentence and to enlarge the Applicant on bail during the pendency of the Appeal.
 2. By a judgment and order dated 27th February 2025 in Special Case No. 466 of 2021, the learned Special Judge at Pune, convicted the Applicant (A1) for the offences punishable under Sections 363, 366-A, 342, 370(4), 370-A(1) read with Section 34 of the Indian Penal Code, 1860 (“the Penal Code”) and Sections 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956, and for the offence punishable under Section 370(4) of the Penal Code, the Applicant was sentenced to suffer
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Rigorous Imprisonment for 10 years and pay fine of Rs.5,000/- with default stipulation. For the rest of the offences sentences of varying terms, but less than 10 years, and fine, were imposed on the Applicant.

3. The gravamen of indictment against the Applicant is that the Applicant trafficked the victim taking undue advantage of adverse financial and social condition of the victim and engaged the victim for sexual exploitation. The Applicant also allegedly lived on the earning of the prostitution and induced and forced the victim for the purpose of prostitution.

4. The Applicant seeks the suspension of sentence during the pendency of the Appeal asserting that the Applicant has an excellent case on merits. The learned Special Judge has returned the finding of guilt qua the Applicant ignoring the material contradictions and improvement in the version of the first informant-victim which dents the prosecution case. Moreover, the Applicant has been in custody since 12th April 2021 and has undergone almost half of the sentence.

5. Ms. Shubhangi Parulekar, the learned Counsel for the Applicant, would urge that the very fact that the victim was a minor at the time of the alleged occurrence has not been firmly established. Secondly, the evidence of the victim is full of contradictions and embellishments and is ex-facie unbelievable. Moreover, the person who had allegedly sexually exploited the victim, i.e., Jasaram Bhiyaram Sutar (A8) and

Sunil Brijlal Kore (A10) have been enlarged on bail by this Court by suspending their sentence. Ms. Parulekar further submitted that, by this time, the Applicant has undergone more than half of the substantive sentence of 10 years. Therefore, the Applicant deserves to be enlarged on bail.

6. Smt. R.S. Tendulkar, the learned APP for Respondent No.1-State and Ms. Isha Hajare, the learned Counsel for Respondent No.2, appointed to espouse the cause of Respondent No.2, opposed the prayer for suspension of sentence. It was submitted that, the impugned judgment is based on correct evaluation of evidence. The testimony of the victim squarely incriminates the Applicant. Thus the fact that the sentence qua co-accused, Jasaram Bhiyaram Sutar (A8) and Sunil Brijlal Kore (A10) has been suspended would not enure for the benefit of the Applicant as the role of the Applicant is more grave and there is overwhelming evidence against the Applicant.

7. I have perused the impugned judgment, material on record and the deposition of witnesses, especially the deposition of the victim.

8. From the evidence of the victim it becomes clear that the victim had narrated multiple instances of sexual exploitation by various person, after the Applicant allegedly brought the victim to Pune and kept her at various places. The victim wants the Court to believe that,

the incidents of exploitation which commenced in the year 2018, lasted for two years.

9. At this juncture, it is trite, the evaluation of the evidence with a view to find loopholes in the impugned judgment is not permissible. The broad tenor of the material and evidence is required to be appreciated to arrive at a *prima facie* finding whether the victim has a fair chance of success in the Appeal.

10. As noted above, in the case at hand, the substantive sentence qua the co-accused who allegedly sexually exploited the victim has been suspended albeit on the ground that the identity of the persons who allegedly sexually exploited the victim was in the corridor of uncertainty. The said fact may have a bearing on the indictment qua the Applicant as the question of veracity of the evidence of the victim may warrant consideration, especially in the light of the fact that the role attributed to the Applicant was that of engaging the victim for sexual exploitation and living on the earnings of the prostitution.

11. Secondly, the Court finds that the probabilities of the case may be required to be considered at the stage of final hearing of the Appeal. *Prima facie* victim had sufficient maturity to understand the nature and consequences of the acts and the circumstances. The period of two years for which the victim was allegedly sexually exploited, that too at various places including at the residence of the Applicant and co-accused, *prima*

facie appears to be too long not to afford opportunities to have recourse to the public authorities and the family member. It also *prima facie* appears that a substantial part of testimony of the victim was demonstrated to be an improvement. To what extent, these factors bear upon the broad tenor of the prosecution case would warrant consideration at the final hearing of the Appeal.

12. The Applicant has been in custody since 12th April 2021. She has undergone more than half of the sentence of 10 years for the major offence punishable under Section 370(4) of the Penal Code. Having regard to the large pendency of the cases, it is unlikely that this Appeal can be heard and finally decided in near future.

13. For the forgoing reasons, this Court is persuaded to exercise the discretion in favour of the Applicant.

14. Hence, the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The substantive sentence imposed on the Applicant, Komal Sunil More Alias Kori, by the learned Special Judge, Pune in Special Case No. 466 of 2021 (Crime No. 72/2021, Bhore Police Station, Pune), stands suspended till the final disposal of the Appeal

(iii) The Applicant be enlarged on bail on furnishing a PR Bond in the sum of Rs.25,000/- and one or two sureties in the like amount, to the satisfaction of the learned Special Judge, Pune.

(iv) The Applicant shall not contact the first informant for any reason whatsoever or give threat or inducement to the first informant or any of her relatives or prosecution witnesses.

(v) The Applicant shall mark her presence at the Bhore Police Station on first Monday of every alternate month till the final disposal of the Appeal.

(vi) The Applicant shall appear in this Court as and when directed by the Court.

(vii) On being released on bail, the Applicant shall furnish her cell phone number and residential address to the Investigating Officer and shall keep him updated, in case of any change therein.

Application disposed.

[N. J. JAMADAR, J.]