

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.247 OF 2017

IN

CRIMINAL APPEAL NO.321 OF 2017

JITENDRA RAJMOHAN MAZI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Ms.Rohini Dandekar, Appointed Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 1st MARCH 2018

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused is convicted of offences punishable under Sections 376(2), 363, 366 and 506 of the Indian Penal Code apart from offences punishable under Sections 4, 6 and 8 of the Protection of Children from Sexual

Offences Act, 2012. He has been sentenced to suffer rigorous imprisonment for 12 years.

2 Heard Ms.Dandekar, the learned Advocate appearing for the applicant/accused. She argued that there is serious doubt regarding identification of the present applicant/accused as the perpetrator of the crime by the alleged victim of the crime in question. She further argued that the applicant/accused has aged parents and there is nobody to look after them, and therefore, he is entitled to be released on bail.

3 The learned APP opposed the application by contending that version of the victim child is corroborated by the medical evidence on record.

4 I have carefully considered the submissions so advanced and also perused the impugned judgment and order and the resultant sentence. The applicant/accused is said to have kidnapped a female child, aged about 7 years, from the lawful

guardianship of her father and then committed penetrative sexual assault on her in the forest area. Evidence of the victim girl is gaining corroboration from the medical evidence adduced by the prosecution. The evidentiary value of the testimony of the victim will have to be adjudicated at the time of final disposal of the appeal. Suffice to state that there is *prima facie* evidence against the applicant/accused.

5 In this view of the matter, no case for bail is made out, and therefore the order :

ORDER

- i) The application is rejected.
- ii) However, hearing of the appeal is expedited.
- iii) Liberty to mention on preparation of Paper Book.
- iv) The application is disposed of.

(A. M. BADAR, J.)