

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.760 OF 2018
WITH
CRIMINAL APPLICATION NO.761 OF 2018
IN
CRIMINAL APPEAL NO.543 OF 2018**

SHYAMLAL RAJKISHOR VISHWAKARMA)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Tariq Khan, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 15th OCTOBER 2018

P.C. :

1 These are applications 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)(i)(j) of the Indian

Penal Code as well as under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. On the first count, he is sentenced to suffer rigorous imprisonment for 10 years apart from imposition of some amount as fine. Different sentences are awarded on other counts which are lower than the sentence imposed on the applicant/accused on the first count. The learned trial court directed that all substantive sentences shall run concurrently.

2 Heard the learned counsel appearing for the applicant/accused as well as the learned APP appearing for the State.

3 I am not inclined to grant bail to the present applicant/accused as evidence of the victim female child/PW1, who happens to be 5 years of age, is duly corroborated by medical evidence adduced by the prosecution on record. The victim female child/PW1 was found to be in company of the applicant/accused by her father PW2 Manvarali. At that time,

she was completely naked. In medical examination it was found that there was laceration of 2 x 1 cm on genital of the victim female child/PW1 apart from nail scratch marks on the left forearm.

4 Considering the nature of offence and the manner in which it was committed as well as the age of the victim female child, no case for bail is made out.

5 The applications are, therefore, rejected.
 However, hearing of the appeal is expedited.

(A. M. BADAR, J.)