

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.807 OF 2018
IN
CRIMINAL APPEAL NO.462 OF 2018**

Nijamuddin Kajem Shaikh

**..Applicant
(Org. Accused)**

Versus

The State of Maharashtra

..Respondent

Mr. Prashant Gurav, Advocate for the Applicant.

Mrs. M. M. Deshmukh, APP for the Respondent - State.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 10th JULY, 2018**

P.C.

1] This is an application for suspension of sentence and grant of bail pending the Appeal.

2] The Applicant/Accused is convicted for the offence punishable under Section 6 of The Protection of Children from Sexual Offences Act, 2012 ("POCSO Act" for short) and under Section 376 of I.P.C. and is sentenced to suffer imprisonment for life and to pay a fine of Rs.2000/- and in default of payment of fine, to undergo simple imprisonment for three months.

3] The incident has occurred on 02.11.2013, when the victim girl was about two years old. The allegations against the Appellant are BGP.

that at around 1.15 p.m., he took the victim girl under the pretext of looking after her for some time and sexually assaulted her. When Appellant returned home alongwith the victim girl, she indicated to her mother that the Appellant had committed sexual assault on her. Therefore, the complainant took the victim girl for medical examination and it was found that she had suffered sexual assault. The FIR came to be lodged against the Appellant.

4] Mr. Prashant Gurav, learned counsel for the Appellant submitted that the victim girl was medically examined on four occasions and none of the medical reports support the case of commission of rape.

5] We have perused the material placed on record. The medical evidence brought on record through PW-5 - Dr. Ashishkumar Pathrikar would reveal that there were injuries suffered by the victim on her private parts. Even C.A. report shows that blood stains of the victim were found on the clothes of the Appellant. In that view of the matter, at this stage, we are not inclined to grant bail to the Appellant. Hence, the application is rejected.

[SARANG V. KOTWAL, J.]

[B. R. GAVAI, J.]