

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1208 OF 2018

IN

CRIMINAL APPEAL NO.723 OF 2018

Satpalsingh Jogendarsingh Kotda

...Applicant

V/s.

The State of Maharashtra

...Respondent

.....

Ms. Pranali Kakade i/b. Mr. Subhash Hulyalkar, Advocate for the Applicant.

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

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CORAM : A.M.BADAR, J.

DATED : 17th OCTOBER 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.
2. The applicant/accused is convicted for the offences punishable under Section 377 of the Indian Penal Code as well as under Sections 6 and 10 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the 'POCSO Act' for the sake of brevity). He is sentenced to suffer rigorous

imprisonment for ten years apart from direction to pay fine of Rs.25,000/- and in default to further undergo rigorous imprisonment for six months.

3. Heard the learned counsel appearing for the applicant/accused. She argued that evidence of the prosecution is discrepant and insufficient to convict the applicant/accused of the alleged offence. The applicant, is therefore, entitled for bail during pendency of the appeal filed by him.

4. The learned APP opposed the application.

5. I have considered the rival submissions so advanced and also perused the impugned Judgment and Order, so also copies of deposition of prosecution witnesses. The evidence of victim/PW5 is gaining corroboration of evidence from his father PW1 as well as his sister PW2. Medical evidence coming on record through PW6 Dr. Nikhil Khude is supporting and corroborating the version of the victim child.

6. Considering the nature of offence and the manner in which it is committed, no case for bail is made out, therefore, the application is rejected.

7. Hearing of the application is, therefore, expedited.

(A.M.BADAR J.)