

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 179/2019

IN

CRIMINAL APPEAL NO.1106/2018

Aaba @ Shankar A. Hajare ... Applicant.

V/s.

State of Maharashtra & Anr. ... Respondents.

Advocate Mr. Ritesh Thobde, Advocate for applicant.
Mr. A.R. Kapadnis, APP for the State.

CORAM : A. M. BADAR, J.

DATE: SEPTEMBER 3, 2019

P.C. :

This is an application for suspension of sentence and releasing the applicant during pendency of appeal filed by him.

2. He is convicted of the offence punishable u/s 4 of 'Protection of Children from Sexual Offences' and sentenced to suffer Rigorous Imprisonment of 10 years and directed to pay fine of Rs.10,000/- in default, sentenced of Rigorous Imprisonment for 6 months is also awarded on him in the event of failure to pay the fine.

3. Heard learned counsel for applicants/accused. He argued

that applicant has undergone almost half of sentence awarded to him and cross examination of victim shows that applicant was working with her grandfather and his dues were not paid to him by the grandfather.

4. Learned APP Mr.A.R.Kapadnis, opposed the application.

5. I have considered the submissions so advanced. The victim of the crime in question who is examined as PW 1 is a minor child aged about 13 years. She has disclosed the incident of penetrating sexual assault on her by applicant and incidents so disclosed is not even challenged in the cross examination. Version of PW 5 Dr.Uma Trimbak Waghmode, Medical Officer of Rural Hospital, Mohol, who, conducted medical examination of the victim, corroborates version of the victim female child.

6. Considering the nature of the offence, and the age of the victim, no case for grant of bail, is made out even if it is submitted by the learned counsel for applicants that he has undergone half the sentence. Hence, the order.

- a) Criminal Application No.179/2019 is rejected.
- b) Hearing of appeal is expedited.
- c) Liberty to mention the same as and when Paper book is prepared, is granted.

(A. M. BADAR, J.)

