

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 600 OF 2022
IN
CRIMINAL APPEAL NO.174 OF 2022**

Bajirao @ Pintu Baban Lodhe ... Applicant
vs.
The State of Maharashtra and another ... Respondents

Mr. Satyavrat Joshi, i/by. Mr. Nitesh J. Mohite for the applicant.

Smt. J. S. Lohokare, APP for Respondent No.1-State.

Mr. Aashish Satpute, appointed Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J

DATE : 7th SEPTEMBER, 2022

P.C. :

1. This is an application for suspension of substantive sentence and release of applicant on bail, pending the hearing and final disposal of Criminal Appeal No.174/2022. The appeal is already admitted on 24th February, 2022. The applicant was convicted for the offence punishable under Sections 376(2)(n), 376AB and 506(II) of the Indian Penal Code, 1860 as also under Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012. The maximum sentence imposed on him was of 20 years under Section 6 of the Protection of Children from Sexual Offences Act, 2012 besides imposition of fine.

2. Heard Mr. Joshi, learned Counsel for the applicant, Smt. Lohokare, learned APP for the Respondent No.1-State and Mr. Satpute, learned appointed Advocate for Respondent No.2.

3. The PW1 was the victim. She was about 11 years of age at the time of incident dated 24th April, 2020. She has described the incident of commission

of rape when she was taken in a jungle and was raped by the applicant. This act was committed by him in the past also. The investigation was carried out. During trial, the prosecution examined PW4, who was an eye-witness to the incident as he had gone to the spot and had rescued the victim. Apart from that, there is evidence of Medical Officer PW7, who has supported the case of the prosecution, whereby there are abrasion on her cheek reddish in colour, her hymen was torn, redness was seen and there was edema on labia majora. The medical opinion was in consistence with sexual intercourse.

4. Learned counsel for the applicant submitted that the incident could not have taken place. The evidence of PW1 is not reliable.

5. Learned APP as well as learned counsel for respondent No.2 has opposed the interim application. They relied on the evidence. They submitted that the offence is serious and therefore, bail should not be granted.

6. I have considered these submissions. As mentioned earlier, the evidence of PW 1, 4 and 7 sufficiently corroborate each other. The offence is quite serious. The victim was rescued by PW4. Sentence imposed is of 20 years. No case for grant of bail is made out and the application stands dismissed as such.

(SARANG V. KOTWAL, J)

Priya Kambli