

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

**INTERIM APPLICATION NO.1491 OF 2022
IN
CRIMINAL APPEAL NO.379 OF 2022**

Ravindra @ Ravi Parmeshwar Kattimani .. Applicant/Appellant
Versus
State of Maharashtra .. Respondent

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Ms.Pravada Raut, Advocate for the Applicant/Appellant.
Mr.S.V. Gavand, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MAY 06, 2022.

P.C. :

The applicant/appellant is seeking suspension of sentence of imprisonment and grant of bail during pendency of Appeal preferred by the applicant/appellant, challenging the judgment of conviction dated 25th January, 2020, passed by Extra Joint District Judge and Additional Sessions Judge, Sangli, in Special Case (POCSO) No.33 of 2016.

2 The applicant has been convicted for the offence under Section 376(1) of Indian Penal Code (“IPC”, for short), and, sentenced to suffer rigorous imprisonment of 7 years and to pay fine of Rs.10,000/-. He was acquitted for the offence punishable under

Section 366-A of IPC and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 (“POCSO Act”, for short).

3 The case of the prosecution is that the victim girl who was minor at the time of incident was sexually assaulted by the accused. The victim girl was pregnant. The DNA report supports the prosecution case.

4 The victim girl and her father who were examined as prosecution witness nos.3 and 4 had not supported the prosecution case. The victim girl has stated in her evidence that one Bihari boy used to come to her residence, and, there was physical relationship between her and the said boy on four occasions. There is no sexual relationship with the accused. The victim was cross-examined by the prosecution. However, no incriminating evidence brought on record against the applicant/appellant.

5 Learned APP submits that the DNA report supports the prosecution case, which establishes that there was physical relationship between the accused and the victim.

7 It is noticed that the victim girl had completely

exonerated the involvement of the applicant/appellant in the sexual assault. Except the evidence of the DNA, it appears there is no cogent evidence to support the prosecution case. The applicant/appellant was on bail during the trial.

8 Hence, case for suspension of sentence and grant of bail is made out.

9 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.1491 of 2022, is allowed;
- (ii) The sentence of imprisonment imposed vide judgment and order dated 25th January, 2022, passed by Extra Joint District Judge and Additional Sessions Judge, Sangli, in Special Case (POCSO) No.33 of 2016, is suspended and the applicant is directed to be released on bail on executing P.R.Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant/appellant is permitted to furnish cash bail security of Rs.20,000/-, for a period of eight weeks, in lieu of surety;

- (iv) The applicant/appellant shall attend the trial Court once in six months on first Saturday of the month, till the disposal of Appeal;
- (v) In the event there are two consecutive defaults in attending the trial Court, the said fact may be brought to notice of this Court and the prosecution is at liberty to move an application for cancellation of bail;
- (vi) Interim Application No.1491 of 2022, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)