

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1530 OF 2022**

**IN**

**CRIMINAL APPEAL NO. 760 OF 2022**

Santoshkumar Bittu Rajak                      ...      Applicant/Appellant

Versus

The Union Territory of Dadra  
and Nagar Haveli and others                      ...      Respondents

.....

Ms. Manisha Devkar for the Applicant/Appellant.

Mr. Aayush Kedia alongwith Mr. Harsh Dedhia instructed by Mr.  
H.S. Venegaonkar for Respondent No.1.

Mr. A.R. Kapadnis, APP for the State-Respondent No.2.

.....

**CORAM :                      PRASANNA B. VARALE &  
                                         N.R. BORKAR, JJ.**

**DATED :                      21 SEPTEMBER 2022**

**P.C. :-**

1.                      The Appellant has filed Appeal against his conviction inter-alia under Sections 302 and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012. By way of present Application, the Applicant/Appellant prays for suspension of sentence and grant of bail during pendency of the Appeal.

2. The learned Counsel appointed for the Applicant/Appellant vehemently submitted before this Court that the learned Trial Court committed an error in appreciating the evidence. It is also submitted that case is based on circumstantial evidence and the evidence of witnesses is full of omissions of contradictions.

3. None appears for Respondent No.2.

4. The Application is opposed by the learned Counsel Mr. Venegaonkar appearing for the Respondent No.1 as well as learned APP for Respondent No.3.

5. With the assistance of learned Counsel we have gone through the notes of evidence and Judgment of the trial court. On the date of incident the victim-girl was only 4 years old. There is a evidence of PW-13, who has stated that one uncle pulled the victim and took her away, and according to him, the accused was the said uncle. The other evidence is in the form of CCTV footage. There is medical evidence that the minor victim was subjected to sexual assault. The evidence also shows that there were blood stains in the bathroom of the Applicant/Accused.

6. Considering the material, we are of the opinion that this is not a fit case to grant bail to the Applicant/Appellant during pendency of the Appeal.

7. The Application thus being devoid of merit and deserves to be rejected. The Interim Application is accordingly rejected.

( N.R. BORKAR, J. )

( PRASANNA B. VARALE, J. )

KANCHAN  
PRASHANT  
DHURI

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