

RMA

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

**CRIMINAL APPLICATION NO. 711 OF 2019
IN
CRIMINAL APPEAL NO. 678 OF 2019**

Sunil Tukaram Mahajan	.. Applicant
Vs.	
The State of Maharashtra & Anr.	.. Respondents

Mr. Vivek V. Salunke for Applicant
Mr. Ajay Patil, APP for State

**CORAM : A.S. GADKARI &
MILIND N. JADHAV, JJ.**

DATE : 25th August 2022.

P.C.:

. This Application is for suspension of sentence and releasing Applicant on bail.

2. Heard Mr. Vivek Salunke, learned Advocate for Applicant and Mr. Ajay Patil, learned APP for State. Perused record.

3. Victim in the present crime was two years and six months old on the date of alleged incident. Medical evidence on record fully corroborates the allegation against Applicant as contemplated under Section 3(a) of The Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act"). As the child was below the age of 12 years, Section 5(m) of POCSO Act is applicable to the present crime and therefore Applicant has been convicted under Section 6 of POCSO Act.

4. In view of the cogent evidence against Applicant, we are not inclined to release him on bail during pendency of Appeal. Application is accordingly rejected.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

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