

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2144 OF 2022

IN

CRIMINAL APPEAL NO. 369 OF 2022

Ranjeetkumar @ Rajkumar Punwasi Jaiswal ... Applicant/Appellant
V/s.
The State of Maharashtra ... Respondent

Ms. Devyani Kulkarni, Appointed Advocate for Applicant/Appellant.
Mr. S.S. Hulke, A.P.P. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.
DATE : 12th July 2022.

P.C. :

1. This is an application for suspension of sentence and releasing the Applicant on bail.
2. Heard Ms.Kulkarni, learned Advocate appointed by the High Court Legal Services Committee, Mumbai to represent the Applicant and Mr.Hulke, learned A.P.P. for Respondent-State. Perused record.
3. It is the prosecution case that, the victim was aged about 14 years of age on the date of commission of offence i.e. on 5th February 2018. The Applicant was residing in the same locality i.e. in front of the room of the victim. On 5th February 2018, when the victim was about to go to her school, Applicant called her in his room, bolted the door from inside and thereafter committed forcible sexual intercourse with her. Applicant threatened victim

with dire consequences and did not allow her to go out of the room. In the evening when the friend of Applicant came at the room of the Applicant and knocked the door repeatedly, the Applicant opened the door. At that time, the mother and father of the victim girl were also present there. They noticed that the prosecutrix was sitting on the floor of the said room in a frightened condition. They thereafter made enquiry with her, upon which the victim disclosed the ordeal faced by her at the hands of the Applicant.

4. The prosecutrix was referred for medical examination and for conducting ossification test. The Associate Professor attached to Department of Forensic Medicine and Toxicology, LTMMC and LTMGH, Sion, Mumbai, had opined that, the victim was aged about 15 years with plus/minus 6 months of variation.

5. Perusal of testimony of victim inspires confidence in the mind of this Court. The testimony of prosecutrix is wholly reliable and trustworthy. The Applicant by taking undue advantage of the fact that, he is immediate neighbour of the victim called her inside his room and thereafter has committed forcible sexual intercourse with her.

6. In view of the above, this Court is of the opinion that, the Applicant does not deserve to be released on bail.

Application is accordingly rejected.

[A.S. GADKARI, J.]