

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

**INTERIM APPLICATION NO. 2981 OF 2022
IN
CRIMINAL APPEAL NO. 797 OF 2022**

Abuzar Ayyaz Tamboli ..Appellant
Versus
State of Maharashtra & Anr. ..Respondents

Mr. Satyavrat Joshi a/w. Nitesh J. Mohite for Appellant.
Smt. J. S. Lohokare, APP for State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th SEPTEMBER 2022

PC :

1. Heard learned counsel for the applicant, as well as, learned APP
2. The Applicant was convicted for commission of offence punishable U/s.326-A of I.P.C. and was sentenced to suffer R.I. for 10 years and to pay a fine of Rs.20000/-. He was convicted for offences punishable U/s.354-D and 506(1) of I.P.C. and under sections 10 and 12 of the Protection of Children from Sexual Offences Act, 2012. He was imposed lesser punishment for these offences than that imposed U/s.326-A of I.P.C.

3. Learned counsel for the applicant submitted that the victim who was examined as PW-8 had not supported the prosecution case. There are no eye witnesses who had supported the prosecution case.

4. Learned APP opposed this application. She relies on the deposition of the victim, as well as, of the Doctor who had examined victim's injuries.

5. I have considered these submissions and I have perused the evidence of the victim who was examined as PW-8 and the doctor who was examined as PW-9. The victim in her initial part of the examination in chief did not support the prosecution case. Learned APP was permitted to cross-examine her. During that cross-examination she admitted all the facts against the applicant and she stuck to her story in her F.I.R. The incident had occurred on 23/11/2020. Her date of birth was 08/02/2003. Thus, at that time, she was a minor. The applicant confronted her and told her that he would destroy her pride; saying that he threw acid on her face causing burn injuries. The reason of this assault was that the

applicant wanted to marry her, but she got married with someone else. Her evidence is supported by the medical evidence. PW-9 Dr. Navin had observed superficial to deep chemical burns with clear line of demarcation on left cheek, left nasal area, left upper lip, left periorbital region with small patch over right dorsum of hand.

6. The offence is serious. The safety of the victim is at stake. There is strong evidence against the applicant. The applicant's release on bail can cause serious safety threat to the victim. In this background, it is not possible to grant bail to the applicant.

7. Hence, Interim application No.2981 of 2022 for bail pending final disposal of Criminal Appeal No.797 of 2022 is rejected.

(SARANG V. KOTWAL, J.)