

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

***INTERIM APPLICATION NO. 153 OF 2019
(For Bail)***

***IN
CRIMINAL APPEAL NO. 1234 OF 2019
WITH
CRIMINAL APPEAL NO. 1234 OF 2019***

Arun Laxman Koli ...Applicant/Appellant
Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Umesh R. Mankapure a/w Ms. Stely J. Dias for the
Applicant/Appellant

Mr. S. V. Gavand, Addl.PP for the Respondent No.1-State

Mr. Vinay J. Bhanushali, Appointed Advocate for the Respondent
No. 2

***CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.
MONDAY, 11th DECEMBER 2023***

P.C :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks suspension of his
sentence and enlargement on bail, pending the hearing and final
disposal of the appeal.

3 The applicant, vide judgment and order dated 19th August 2019 passed by the learned Sessions Judge-2, Sangli, in Special Case (POCSO) No. 10/2017, has been convicted and sentenced as under:

- for the offence punishable under Section 375 sixthly r/w Section 376(1) of the Indian Penal Code r/w Section 5(1) r/w Section 6 of the Protection of Children from Sexual Offences Act, to suffer rigorous imprisonment for life and to pay fine of Rs.500/-, in default of payment of fine, to undergo rigorous imprisonment for 1 month;
- for the offence punishable under Section 363 r/w 366 of the Indian Penal Code, to suffer rigorous imprisonment for 5 years and to pay fine of Rs.500/-, in default of payment of fine, to undergo rigorous imprisonment for 1 month.

All the sentences were directed to run concurrently.

4 Perused the papers. The prosecutrix (PW 1) at the relevant time, was aged 13 years and 5 months, whereas, the applicant

was about 20 years of age. From a perusal of the evidence of the prosecutrix, it appears that she was sexually assaulted on two occasions whilst going to the school i.e. on 28th November 2016 and 1st December 2016. The said evidence is duly corroborated by the evidence of PW 3-Dr. Rohan Shirodkar. Although learned counsel for the applicant alleges some discrepancy in the name of the mother of the prosecutrix in her School Leaving Certificate, no question was put to the prosecutrix in respect of the same, except to PW 5, the mother of the prosecutrix.

5 Considering the evidence on record, this is not a fit case to enlarge the applicant on bail. Hence, Interim Application No. 153/2019 is rejected and as such, the application stands disposed of.

6 Appeal be listed on the final hearing board in the week commencing **January 2024** at its appropriate place as per its turn.

GAURI GODSE, J.

REVATI MOHITE DERE, J.