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

**INTERIM APPLICATION NO.430 OF 2023
IN
CRIMINAL APPEAL NO.1306 OF 2022**

Sunil Nivrutti Ranmale ...Applicant
vs.
State of Maharashtra & Anr. ...Respondents

Mr. Akshay Bankapur for the Applicant.
Mrs. P. P. Shinde APP for Respondent No.1-State.
Ms. Meghna Gowalani for Respondent No.2.

CORAM : N. B. SURYAWANSHI, J.

DATED : 18TH OCTOBER 2023

P. C. :

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal preferred by applicants challenging the judgment of conviction.

2. Applicant is convicted under Sections 4, 6, 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act") and is sentenced to suffer RI for ten years and to pay fine of Rs.2,500/-.

3. Learned Advocate for Applicant submits that Applicant is 24 years old and there was love affair in between victim and Applicant. It has come on record that Applicant was deserted by his wife and out of love affair, the incident has taken place. He submits that the prosecution has failed to prove that victim was minor at the time of incident. Hence, according to him, application deserves to be allowed.

4. Learned APP and learned Advocate for Respondent No.2 strenuously opposed the application contending that there is sufficient evidence on record to warrant conviction of the applicant. Applicant is cousin of the victim and inspite of that he had taken undue advantage and indulged in physical relation with her, therefore, he is not entitled for bail.

5. On perusal of the impugned judgment there appears sufficient material to sustain conviction. Prima facie, it appears that the trial Court has rightly relied on evidence of victim and her father. Victim's father has deposed before the trial Court that Applicant threatened witnesses when he was released on bail, during the trial. In

this view of matter, this Court is not inclined to grant relief to Applicant. Application is, therefore, rejected.

6. In the facts and circumstances of the case, Appeal is expedited.

[N. B. SURYAWANSHI, J.]