

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

***INTERIM APPLICATION NO. 880 OF 2023
IN
CRIMINAL APPEAL NO. 399 OF 2023
WITH
CRIMINAL APPEAL NO. 399 OF 2023***

Arvind Mahadev Patil ...Applicant/Appellant
Versus
The State of Maharashtra & Anr. ...Respondents

***WITH
CRIMINAL APPEAL NO. 124 OF 2022***

Manisha Arvind Patil & Anr. ...Appellants
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Shashikant D. Chandak, Appointed Advocate a/w
Ms. Kanchan S. Chandak, for the Applicant/Appellant

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

Ms. Devyani Kulkarni, 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 aforesaid appeal.

3 The applicant vide judgment and order dated 13th February 2019, passed by learned Sessions Judge, Palghar, in Special Case (POCSO) No. 14/2014, has been convicted and sentenced, along with co-accused, as under:

- for the offence punishable under Section 376(2) of the Indian Penal Code, to suffer life imprisonment and to pay fine of Rs.5,000/- in default, to suffer rigorous imprisonment for 6 months;
- for the offence punishable under Section 506(2) of the Indian Penal Code, to suffer rigorous imprisonment for

5 years and to pay fine of Rs.1,000/- in default, to suffer rigorous imprisonment for 6 months.

- for the offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, to suffer life imprisonment and to pay fine of Rs.5,000/- in default, to suffer rigorous imprisonment for 6 months.

All the aforesaid sentences were directed to run concurrently.

4 Perused the papers. The prosecutrix (PW 2) was aged 15 years at the relevant time. The applicant is her maternal uncle, a married man, aged 51 years at the relevant time. On a perusal of the evidence of PW 2, it appears that the applicant sexually assaulted PW 2, as a result of which, she became pregnant. The DNA report shows that the applicant is the father of the child.

5 Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Hence, the Interim Application No. 880/2023 is rejected.

6 Since the applicant is in custody since 2014, appeal to be listed at the end of the admission board for final disposal on **26th February 2024** along with Appeal No. 124/2022 filed by the co-accused.

GAURI GODSE, J.

REVATI MOHITE DERE, J.