

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1077 OF 2023****IN****CRIMINAL APPEAL NO. 584 OF 2022**

Shivshankar Ramdhani Yadav

.....Applicant

Vs.

State Of Maharashtra

.....Respondent

Mr. P.R. Pandey for the Applicant.

Mr. Ajay Patil APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND  
PRAKASH D. NAIK, JJ.****DATE : 3<sup>rd</sup> APRIL, 2023.****P.C.:-**

By the present Application, the Applicant is seeking suspension of sentence and releasing him on bail.

2) Applicant is convicted under Sections 376(2)(n), and 506 of the Indian Penal Code and Sections 5(j-ii) r/w Sections 6, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 and is sentenced to undergo life imprisonment by the learned Additional Sessions Judge-2, Vasai by its Judgment and Order dated 1<sup>st</sup> April, 2022.

3) Perusal of evidence of victim, (PW-3) clearly indicates that, the Applicant took undue advantage of the fact that he was dropping and

taking her back from school and has committed forcible intercourse on 3 to 4 occasions with her. The victim subsequently got pregnant. When she was admitted to hospital, the Doctors noticed that she was pregnant of about 12 weeks. The FIR was registered when the victim was admitted in hospital.

4) As per the prosecution, the DNA report of foetus establishes that the Applicant was biological father of the said foetus. Even otherwise, a bare perusal of testimony of victim clearly indicates that, the Applicant is the sole perpetrator of the present crime.

5) In view of the above, we are not inclined to suspend sentence and release the Applicant on bail.

6) Application is accordingly dismissed.

**(PRAKASH D. NAIK, J.)**

**(A.S. GADKARI, J.)**

SANJIV  
SHARNAPPA  
MASHALKAR  
Digitally signed  
by SANJIV  
SHARNAPPA  
MASHALKAR  
Date: 2023.04.11  
16:44:53 +0530