

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

**INTERIM APPLICATION NO. 4185 OF 2022
IN
CRIMINAL APPEAL NO. 1201 OF 2022**

Ganesh Sanjay Kampalikaar ...Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

Mr. Niranjan Mundargi a/w. Rupesh Zade, Priyanka Gupta
and Aadesh Kale, Advocates for the Applicant.

Mr. Ratnesh Dube, appointed Advocate for Respondent No.2.

Mrs. P. P. Shinde, APP for the Respondent-State.

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CORAM : NITIN B. SURYAWANSHI, J.
DATE : 17th OCTOBER 2023

PC.:

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

2. Applicant has been convicted for offences punishable under Sections 376(A)(B) of the Indian Penal Code, 1860 and Sections 6, 9 read with 10, 11 read with 12 of the Protection of Children from Sexual Offences Act, 2012 in POCSO Special Case No. 88 of 2021 and is sentenced to suffer rigorous imprisonment for term of 20 years.

3. Learned Advocate for applicant submitted that there are variance in the statement of victim and her father

recorded during investigation and in the evidence given before the trial Court. Grand-mother of the victim has not supported the prosecution case. He therefore, submitted that applicant has good case on merit and he hopes to succeed in the present appeal.

4. Learned APP opposed the application by supporting the impugned judgment.

5. The questions urged by both sides will have to be determined finally while adjudicating the appeal on appreciating the evidence on record. Prima facie considering the version of victim and her father conviction recorded by the trial Court is sustainable. Sentence of 20 years rigorous imprisonment is imposed on the applicant. No case for bail pending appeal is made out.

6. Hence, the following order:-

(i) Interim Application stands rejected.

(ii) Hearing of Criminal Appeal No. 1201 of 2022 is expedited.

(NITIN B. SURYAWANSHI, J.)