

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

**INTERIM APPLICATION NO.4527 OF 2022
IN
CRIMINAL APPEAL (ST) NO.22193 OF 2022**

Raju Prakash @ Piku Rajput Applicant
versus
State of Maharashtra & Anr. Respondents

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- Mr. Ashish Vernekar i/b. Nitesh J. Mohite, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.
DATE : 06th JANUARY, 2023

P.C. :

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicant. The Applicant was convicted and sentenced by Special Judge (POCSO) Act, Solapur, vide impugned Judgment and Order dated on 14/10/2022 in Special Case No.381 of 2020. The Applicant was convicted for commission of offence punishable u/s 376, 376 AB, 377 of the Indian Penal Code and u/s 3, 4 and 5 (m) r/w 6 of the Protection of Children from Sexual Offences Act, 2012. The sentence imposed

on him was rigorous imprisonment for 10 years, besides imposition of fine.

2. Heard Mr. Ashish Vernekar, learned counsel for the Applicant and Smt. M. R. Tidke, learned APP for the State.
3. The incident took place on 31/08/2020. The victim was six year old. The prosecution case is that the Applicant was residing in the neighbourhood of the victim. On the date of incident, he took her to his house and forced her to take his private part in her mouth. Her grandmother and a neighbour reached there. The victim was crying. The grandmother confronted him and slapped him. The Applicant on the other hand assaulted the grandmother. On this basis, FIR is lodged and the investigation was carried out.
4. The Applicant faced the trial and was convicted and sentenced as mentioned earlier. Learned counsel for the Applicant submitted that the Applicant's room was very small

and the incident could not have taken place inside the room. He further submitted that there was dispute about the ownership and tenancy of the room and therefore the Applicant is falsely implicated.

5. Learned APP opposed these submissions and relied on the evidence of the victim, the grandmother and the neighbour.

6. I have considered these submissions and I have read the evidence of these three main witnesses. The victim herself was examined as P.W.5. She has narrated the incident in detail. The grandmother was examined as P.W.2. She has supported the victim's version. When the grandmother reached the Applicant's house, she saw that the victim was crying and the Applicant was not wearing his clothes. She also deposed about her confrontation with the Applicant. This witness's evidence is supported by P.W.3 who was a neighbour. Thus, at this stage, there is strong material against the Applicant. The submissions made by learned counsel for Applicant will have to be tested at

the final hearing stage. But at this stage, no case for bail pending the Appeal is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)