



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1698 OF 2024
IN APPEAL/392/2024

Vikas Shivlal Rathod
Age: 25 years, Occu.: Agril,
Raniunchegaon,
Krushnanagar Tanda,
Tq.Ghansawangi, Dist.JalnaApplicant

Versus

The State of Maharashtra
Through Police Inspector,
Police Station, Ambad,
Tq.Ambad, Dist.Jalna.Respondent

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Advocate for Applicant : Mr.Vaibhav Pawar h/f. Mr. S. S.Tope
APP for Respondent no.1 : Mrs.Chaitali Choudhari - Kutti
Advocate for Respondent no.2 : Mr. Arjun R. Lukhe

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 08 MAY, 2024
PRONOUNCED ON : 10 MAY, 2024

ORDER :-

1. Vide instant application, convict, who is held guilty by Special Judge, Ambad, Dist.Jalna in Special Case No.205 of 2021 by judgment and order dated 20-03-2024 for offence under Sections 354, 354-D, 341 of the Indian Penal Code (IPC), is seeking suspension of sentence and grant of bail during pendency of Criminal Appeal No.392 of 2024.

2. In support of above relief, learned Counsel for the applicant pointed out that though there was registration of crime for offence under Sections 354, 354-D and 341 of the Indian Penal Code (IPC), maximum sentence for above offences is one year and to pay fine. That fine is already paid. He submits that there is false implication and improper appreciation of evidence and therefore, appeal has been preferred. That he has strong hope of success in appeal, however, as appeal is recently filed, it would take long time for hearing and decision and hence, above relief is prayed.

3. Opposing above relief, both learned APP as well as learned Counsel for victim pointed out that victim was intercepted thrice by the applicant. She is shown to be a minor of sixteen years of age. It is pointed out that because of said harassment, victim also made an attempt to commit suicide by consuming poison and therefore, with such allegations being present, they pray to refuse relief.

4. Perused the papers.

5. At this juncture, testimony of victim is relevant. She seems to be studying in 10th Standard. Sum and substance of her testimony is that she used to go to school by walk. On 19-11-2019, while she was returning from school, present applicant intercepted her way by

coming on Motorcycle and asked her to sit on his Motorcycle. She stated that he even forcibly held her hand and tried to make her sit on Motorcycle. She has narrated that similar incident took place four days thereafter i.e. on 23-11-2019, but according to her, on such date, **he issued threat to finish her**, if she reports incident of 19-11-2019 to anyone. Further according to her, on 25-11-2019 also, he again intercepted her way and offered her to accompany him on Motorcycle further saying that they would enjoy and come. On such date, she alleges that **he caught her by waist and forced her to sit on his Motorcycle**. His such behaviour shows that repeatedly he is intercepting her way and is getting emboldened in forcing her to sit with him on Motorcycle. She also claims that because of above incidents, out of fear, she even consumed poison and was admitted in Om Speciality Hospital.

6. Apparently, accused is held guilty on appreciation of evidence by learned Special Judge, Ambad, Dist.Jalna, and he has been sentenced to suffer rigorous imprisonment of one year each for commission of offence under Sections 354 and 354-D of the IPC. He further sentenced to suffer simple imprisonment for fifteen days for offence under Section 341 of the IPC. Though here quantum of sentence is small i.e. one year, taking into consideration peculiar facts

of repeated interception making victim, a minor, forcibly accompany on Motorcycle and even considering the fact that victim is reportedly living with her grandfather and further considering that out of such harassment, she was constrained to consume poison, this Court does not consider it a fit case to extend relief as prayed. Accordingly, I proceed to pass following order :

ORDER

Criminal Application No.1698 of 2024 is rejected.

(ABHAY S. WAGHWASE)
JUDGE

7. On pronouncement of this order, learned Counsel for the applicant prays for one month's time to surrender so as to enable him to approach the Hon'ble Apex Court.

8. Learned APP strongly opposes the same.

9. Considering the above request made by learned Counsel for the applicant, one month's time is granted for the applicant to surrender.

(ABHAY S. WAGHWASE)
JUDGE