

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

**INTERIM APPLICATION NO. 1155 OF 2021
IN
CRIMINAL APPEAL NO. 613 OF 2021**

Laxman Dnyanu Waghmare

.... Applicant/Appellant

v/s.

The State of Maharashtra

.... Respondent

Mr. Ganesh Bhujbal, for the Applicant.

Mr. J.P. Yagnik, APP for the State.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATED : 12th MARCH, 2024.

P.C. :-

- 1) This is an Application received from Jail for suspension of sentence and releasing the Applicant on bail.
- 2) Heard Mr. Bhujbal, learned Advocate appointed by the Legal Aid Committee to represent the Applicant and Mr. Yagnik, learned APP for the State. Perused the record.
- 3) Record indicates that, the victim herein was aged about 14 years on the date of lodgment of crime. Applicant is the biological father of the victim. It is the allegation against the Applicant that, he committed forcible sexual intercourse with the victim on several occasions prior to lodgment of crime. On 16th February, 2018, the victim started feeling pain in her stomach. Therefore, she informed the said fact to her mother. The

victim was thereafter taken to the Hospital of Dr. Ghorpade. After examining the victim, the concerned Doctor opined that, the victim was pregnant of about 25 weeks. She subsequently gave birth to a child.

4) The evidence on record prima facie indicates that, the DNA Report of the foetus of the victim matches with the DNA profile of the Applicant, being the biological father of the said foetus. The Applicant has failed to rebut the presumption as contemplated under Section 29 of The Protection of Children from Sexual Offences (POCSO) Act, 2012. The trial Court after taking into consideration the said facts and other evidence on record, has convicted the Appellant under Section 6 of the POCSO Act and has directed him to suffer rigorous imprisonment for life.

5) The aforementioned facts would clearly indicate that, the offence alleged against the Applicant is heinous in nature and the Applicant does not deserve any sympathy and/or leniency from this Court for his release on bail during the pendency of the Appeal.

6) Application is accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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