

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

***INTERIM APPLICATION NO. 502 OF 2024
IN
CRIMINAL APPEAL NO. 226 OF 2016***

Rajesh Babli Singh Applicant
Versus
The State of Maharashtra Respondent

Ms Nasreen K. Ayubi, for the Applicant.

Mr. V. B. Konde-Deshmukh, Addl.P.P., for the Respondent-State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATED : 2nd MAY 2024.

P.C.:

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.
3. The applicant vide Judgment and Order dated 9th September 2015, passed by the learned Special Judge, Kolhapur, in Special

Case No. 8 of 2013, has been convicted for the offence punishable under Section 376(2)(f) of the Indian Penal Code (IPC) and Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. For the offence punishable under Section 376(2)(f) of the IPC, the applicant has been sentenced to undergo imprisonment for life. For the offence punishable under Section 6 of the POCSO Act, the applicant has also been sentenced to suffer imprisonment for life. Both the said sentences are directed to run concurrently.

4. Perused the papers, in particular the statement of PW1- father of the victim girl. According to PW1, his daughter (victim girl) was aged 1 year and 2 months at the time of the incident. PW1 in his evidence has stated that he knew the applicant, since the applicant would come to their house for a meal and that the applicant would play with his daughter (victim girl). PW- 1 has stated that on 12th August 2013 at about 02:30 - 02:45 p.m., after lunch, the applicant took his daughter with him, after which, the daughter was not to be seen. He has stated that when he started looking for his daughter, he heard her cries coming from a

bathroom. He has stated that on opening the bathroom, he and others saw the applicant with his daughter (victim girl); and, the daughter bleeding from her private part. Pursuant thereto, the applicant was apprehended at the spot.

5. The victim girl was only aged 1 year and 2 months. There is ample evidence, which prima facie connects the applicant with the alleged offence.

6. Considering the aforesaid, it is not a fit case to enlarge the applicant on bail. Application is rejected.

7. However, since the appeal is of the year 2016, the appeal to be added to the Final Hearing Board, at its appropriate place on 10th June 2024.

MANJUSHA DESHPANDE, J. ***REVATI MOHITE DERE, J.***