

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

**INTERIM APPLICATION NO. 657 OF 2023
IN
CRIMINAL APPEAL NO. 255 OF 2023**

Mohan Hari Bhoye

... Appellant/Applicant

Vs.

The State of Maharashtra & Anr.

... Respondents

Adv. Sushil Kumar Tiwari, for the Appellant/Applicant (Appointed).

Mrs. M. R. Tidke, APP for State.

Adv. Manisha Jagtap, for the Respondent No. 2 (Appointed).

CORAM : KISHORE C. SANT, J.

DATE : 23rd APRIL, 2024

P.C.:-

1. Heard. This Application is filed for suspension of sentence and release of the Applicant on bail. The Applicant is convicted for the offence punishable under Section 4 of POCSO Act, 2012 and 504, 506(2) of Indian Penal Code and under Section 4, 6 and 12 of POCSO Act, 2012. The maximum sentence awarded is for 20 years R. I. and to fine of Rs. 4,000/-, in default R. I. for 1 year.

2. The case of the prosecution is that the Victim, daughter of the accused was raped by him on 2 or 3 occasions. The Victim was taking education in Ashram School however because of the lockdown she had to come and stay with the parents. When she was staying with the parents her

father repeatedly committed rape on her. It has come in the evidence that the date of birth of the Victim is 22.08.2007, the incident started in 2019. The prosecution in its support has examined 8 witnesses including doctor. The medical evidence is also clearly against the Accused/Applicant.

3. The learned Advocate for the Applicant vehemently argued the Application.

4. The learned APP and learned Advocate for the Respondent No. 2, (appointed through legal aid) have also vehemently oppose the Application.

5. Considering the evidence and submissions of the learned Advocates. This Court finds that no case is made out to allow the Application.

6. The Interim Application therefore stands dismissed.

7. Above Criminal Appeal is expedited.

(KISHORE C. SANT, J.)