

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

**INTERIM APPLICATION NO. 986 OF 2024
IN
CRIMINAL APPEAL NO. 774 OF 2017**

Raj Jayram Kamble

...Applicant

Versus

State Of Maharashtra And Anr

...Respondents

Mrs. Nasreen Ayubi, for the Applicant.

Mr. Ajay Patil, APP for the Respondent-State.

**CORAM : A. S. GADKARI &
SHYAM C. CHANDAK, JJ.
DATE : 19th MARCH, 2024.**

PC. :

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail.
- 2) The Applicant is convicted under Sections 376, 341, 323 and 506 of the I.P.C. and under Section 4 of the Protection Of Children From Sexual Offences Act, 2012 (for short POCSO Act), by the learned Sessions Judge (POCSO Act) Raigad-Alibag in Special POCSO Case No.85/2016 and sentenced to suffer imprisonment for life for the offence punishable under Section 4 of the POCSO Act. Applicant is also sentenced to suffer jail term of different tenure for committing other offences. The trial Court has directed that all the sentences shall run concurrently.

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3) Record reveals that the victim in the present crime was of tender age of about 13 years. She had left her parents house due to anger as her mother did not allow her to participate in Christmas Festival. She therefore left the house and went to Panvel Railway Station. At Panvel Railway Station the Applicant and other two women met her. They took her to a nearby garden in the Panvel City. Thereafter the said two women went away and the Applicant forced the victim to follow her. The Applicant thereafter forcibly committed sexual assault on the victim girl as a result of which she became unconscious for some time. After gaining consciousness she approached the people from nearby vicinity and thereafter the criminal law was set into motion.

4) The victim has identified Applicant as the person who committed the said assault on her. The DNA report of the Applicant has also matched with the body fluids of the victim.

5) Record further reveals that, the Applicant was/is a drug addict and at the time of his arrest it was noticed that, he had self inflicted injuries on his person. The learned Judge of the trial Court has observed that, nowadays the offences against minor children in the society are on rise and if a person like the Applicant is left freely in the society, it would be dangerous to the security of other minors in the society. After perusing the record it appears to us that, the observations made by the learned Judge of the trial Court are prima facie correct.

- 6) After taking overall view of the matter and considering the heinous nature of the crime committed by the Applicant, we are not inclined to grant him bail during the pendency of Appeal.
- 7) Interim Application is accordingly dismissed.
- 8) As the Applicant is in jail for more than 10 years, list the Appeal No.774/2017 on final hearing board for the week commencing from 7th April 2024.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)