

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

***INTERIM APPLICATION NO.2742 OF 2023
IN
CRIMINAL APPEAL NO.1385 OF 2018***

Sushil Ranjitsing Jangu

.... Applicant

Versus

The State of Maharashtra and Ors.

.... Respondents

.....

Mr.Hassnain Kazi and Ms.Shraddha Vavhal, Advocate for the Applicant.

Mrs.P.P. Shinde, APP for Respondent No.1 – State.

Ms.Sakshee P. Chavan, Advocate appointed for Respondent No.2.

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

DATED : 11th MARCH 2024.

P.C. :

1 Heard the 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 the aforesaid Appeal.

3 Learned counsel for the Applicant submits that taking the prosecution case as it stands no offence either under Section 6 of The Protection of Children from Sexual Offences Act (POCSO Act), 2012 or under Section 376 (1) of the Indian Penal Code (IPC) [old Act] will apply in the facts of the present case. He submits that the Applicant is in custody since 2015.

4 Learned APP as well as Mr.Chavan, learned counsel appearing for Respondent No.2 vehemently opposed grant of bail. He submits that the girls were aged 9, 4 and 6 at the relevant time and that the medical evidence duly corroborates the same.

5 We have perused the papers. All the three victim girls were aged 9, 4 and 6. The evidence of P.W.6 Dr.Parvatikar clearly shows that the victim girls disclosed to her how the applicant called the victim girls to his house, removed their clothes as well as his clothes and, thereafter sexually assaulted the girls. She has stated in the medical examination that the hymen of the girls was torn. *Prima facie*, there is hardly any cross-examination of the doctor *vis-a-vis* sexual assault on the victim.

6 Considering the age of the victim girls and the medical evidence, that the victim girls were sexually assaulted, no case is made out for suspending the sentence of the Applicant–accused and enlarge him on bail. Application is rejected and is accordingly disposed of .

7 Appeal to be added to the final hearing board at its appropriate place in the week commencing **10th June 2024**.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE J.