

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3939 OF 2023****IN****CRIMINAL APPEAL NO. 1289 OF 2023**

Yashwant Balu Shinde

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Ganesh Bhujbal, appointed Advocate for Applicant.

Ms. A.A. Takalkar, A.P.P. for Respondent No.1-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 2nd May 2024.****P.C. :**

(1) This is an Application for suspension of sentence and releasing the Applicant on bail.

(2) Applicant is convicted under Section 3(a) punishable under Section 4 and under Section 9(m)(n) punishable under Section 10 of the Protection of Children From Sexual Offences Act, 2012 ("the POCSO Act") and under Sections 376-AB and 376(2)(f)(j)(k) of the Indian Penal Code and sentenced to suffer imprisonment for life under Section 6 of the POCSO Act by the learned Judge, Special Court, Mangaon, District Raigad in Special Case No.30 of 2020 dated 2nd May, 2022.

(3) The evidence on record reveals that, the Applicant is uncle (i.e. father's brother) of the victim girl, who was aged about 8 years at the time of alleged incident. The Applicant sexually abused and exploited the victim since last two years, prior to lodgment of the crime on 23rd July, 2020. (3.1)

(3.1) *Prima facie* there is sufficient material on record to sustain the conviction of the Applicant under the said charges of POCSO Act. The act committed by the Applicant is very heinous in nature. The father of the victim used to keep the victim child in the custody of the Applicant, of which he has taken undue advantage and had sexually exploited her.

(3.2) It appears to us that, the scares in the mind of the victim are yet to be healed and if the Applicant is released on bail, it will revive of her agony and sexual abuse suffered at the hands of Applicant.

(4) In view thereof, we are not inclined to release the Applicant on bail.

(5) Application is accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

Digitally signed
by RAJESH
VASANT
CHITTEWAN
Date: 2024.05.09
11:24:16 +0530