

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

**INTERIM APPLICATION NO.354 OF 2024
IN
CRIMINAL APPEAL NO.1108 OF 2023**

Pavan Lahu Mahale

.... Applicant

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Arpit N. Mutha, Advocate for Applicant.
- Mr. Arfan Sait, APP for the State/Respondent.
- Smt. Manisha Deokar, appointed advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 24th JUNE, 2024

P.C. :

1. This is an application for bail pending Appeal.
2. Heard Mr. Arpit N. Mutha, learned counsel for the Applicant, Smt. Manisha Deokar, learned counsel for the Respondent No.2 and Mr. Arfan Sait, learned APP for the State.
3. Learned counsel for the Applicant submitted that there

is discrepancy in the evidence of the victim P.W.1 and her statement recorded by the learned Magistrate u/s 164 of Cr.P.C. Even the medical evidence does not support her case. Considering this, the Applicant deserves to be released on bail during pendency of his Appeal.

4. Learned counsel for Respondent No.2 relied on the evidence of the victim P.W.1 as well as the medical evidence to oppose these submissions.

5. I have considered these submissions. The Applicant was convicted by the Special Judge, Nashik vide her Judgment and Order dated 01/09/2023 in Special POCSO Case No.154 of 2022 under sections 376, 377 of the Indian Penal Code and under sections 4, 5 (d),(k) r/w section 6 of the Protection of Children from Sexual Offences Act, 2012. The Applicant was convicted and was sentenced to suffer rigorous imprisonment for 20 years and to pay a fine of Rs.50,000/- and in default of payment of fine to suffer simple imprisonment of one month.

6. The victim was around 4 years of age. She had clearly described the incident. She identified the Applicant before the Court. The Medical Officer was examined as PW.5. The mother of the victim was narrated the incident by the victim. Her narration was suggestive of forcible intercourse anal/assault. Thus, there is sufficiently strong material against the present Applicant.
7. No case for bail pending Appeal is made out.
8. The application is rejected.

(SARANG V. KOTWAL, J.)