

Digitally signed by
HEMANT
CHANDERSEN SHIV
Date: 2024.07.04
17:15:37 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.973 OF 2024
IN
CRIMINAL APPEAL STAMP NO.5253 OF 2024

Chandevdas Ramanand Das Applicant
versus
The Union Territory of Daman & Ors. Respondents

Mrs. Farhana Shah for the Applicant.

Mr. Harsh Dedhia i/b Mr. Hiten S. Venegavkar for Respondent No.1-
UT.

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

**CORAM : REVATI MOHITE DERE &
SHYAM C. CHANDAK, JJ.**

DATE : 27th JUNE, 2024

P.C. :

1. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid Appeal.

2. Vide judgment and order dated 30th March, 2016, passed by the learned Sessions Judge, Daman, at Silvassa in Sessions Case No.14 of

2016, the applicant has been convicted for the offence punishable under Section 376(f) and (i) of the Indian Penal Code and sentenced to suffer rigorous life imprisonment and to pay the fine of Rs.1,000/- and in default to suffer R.I. for two months. The Applicant is also been convicted for the offence punishable under Section 6 of the POCSO Act and is sentenced to suffer rigorous life imprisonment and to pay the fine of Rs.1,000/- and in default to suffer R.I. for two months. Both the sentences are directed to be run concurrently.

3. Perused the evidence. The prosecutrix (P.W.7) was 6 ½ years of age when she was sexually assaulted by her Uncle i.e. the Appellant. Prima facie, the evidence of P.W.7 shows that the Appellant is the perpetrator of the sexual assault on her. There is corroboration to her evidence i.e. there is medical evidence as well as C.A. report, which points to the complicity of the accused.

4. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. The Application is, accordingly, rejected. However, since the applicant is in custody for 7 years, hearing of the appeal is

expedited. As soon as the paperbook is ready, liberty is granted to the learned counsel for the applicant to mention for fixing early date of hearing.

5. The Application is, accordingly, disposed of in the aforesaid terms.

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.