

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3116 OF 2024
IN
CRIMINAL APPEAL NO. 936 OF 2024

Suraj @ Surya Mahattam Mandal ...Applicant
Versus
The State of Maharashtra and anr. ...Respondents

Mr. Aniket Vagal a/w. Ms. Savvy Kolhekar for the Applicant.
Ms. Kranti Hivrale, APP for the Respondent – State.
Ms. Chaitrali Deshmukh, appointed Advocate for Respondent No.2.

CORAM : SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.
DATED : 07th AUGUST, 2025

P.C. :-

. Heard Mr. Aniket Vagal, learned Counsel for the Applicant, Ms. Kranti Hivrale, learned APP for the Respondent – State and Ms. Chaitrali Deshmukh, learned Advocate appointed as Legal Aid Counsel on behalf of Respondent No.2.

2) This Interim Application has been filed with a prayer to suspend the jail sentence of the Applicant and for his release on bail.

3) The Applicant has been convicted by the Judgment and Order dated 29/12/2023 in POCSO Special Case No.172/2016, passed by the

learned Special Judge, Borivali Division, Dindoshi, Mumbai under Section 376(2)(i) of the Indian Penal Code (IPC), 1860 and Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

4) From the material available on record, we find that the victim girl was aged about 04 years at the time of the incident and she has clearly identified the accused. Moreover, the medical evidence available on record indicates the brutality with which the child was sexually abused. After going through the statements of the witnesses, more particularly, the evidence of P.W.5 and the medical evidence, we are not inclined to accept the prayer for suspension of sentence of the Applicant. However, considering the fact that the Applicant is in jail since last nine and half years and in view of the request made by the learned Counsel for the Applicant, we are inclined to grant him expeditious hearing of the connected Appeal. Registry, to therefore, list the Appeal in the 3rd week of September, 2025 under the caption 'for final hearing' subject to availability of the paper book.

5) Interim Application stands disposed of in above terms.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)

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