

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4351 OF 2024

IN

CRIMINAL APPEAL NO. 897 OF 2025

Manohar Ramchandra Patil

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

.....

Ms. Sneha Mishra a/w. Ms. Kajal Mishra i/b. Mr. Prem Kumar Pandey,
Advocates for the Appellant.

Mr. H. J. Dedhia, APP for the State.

Ms. Prachi Pawar, Advocate for Respondent No.2.

CORAM : R. M. JOSHI, J.

DATED : 18th NOVEMBER, 2025.

P.C. :

1. This application is for suspension of sentence and enlargement of the applicant on bail in connection with the Judgment and Order dated 23.02.2024 passed in Special (POCSO) case No. 22 of 2022 by the Special Court at Mangaon, District Raigad, whereby the appellant is sentenced to suffer imprisonment for a period of five years with fine.

2. At the outset learned counsel for the appellant submits that the appellant has already undergone more than half of the sentence imposed against him. She placed reliance on the Judgment of Hon'ble Supreme Court in the case of *Saibaj Nooemohammad Shaikh Vs. State of Maharashtra and Anr.* passed in SLP(Cri.) No. 13890 of 2024 to argue

that the in similar situation the Hon'ble Supreme Court had granted bail to the convict. On merit it is argued that even as per the case of prosecution the incident has not occurred in isolation but it is said to have occurred in the presence of mother and sister of the victim. It is argued that though the incident is said to have occurred when in the presence of the mother and sister of the victim, they are not examined by the Trial Court. She drew attention to the evidence on record it is submitted that family had grievance against the appellant on account of he being addicted to liquor and beating and abusing the members of the family and for this the possibility of false implication is not ruled out to get rid off him.

3. Learned counsel for the respondent No.2 apart from making oral submissions filed the written submissions. It is argued that having regard to the serious nature of the crime which is committed by the father against his biological daughter, it is not the case of enlargement of the appellant on bail. She placed reliance on the judgment of ***Rajesh Yadav & Anr. Etc. Vs. State of U.P.*** passed in Criminal Appeal No. 339-340 of 2014. It is argued that on the basis of the sole testimony of the victim conviction can be recorded against the accused and for that purpose corroboration would not be necessary. It is her further submission that non examination of the mother and sister of the victim would not become ground for acquittal.

4. Learned APP also submits that there is no dispute about the fact that

appellant is sentenced to suffer 10 years imprisonment and out of which he has already undergone half of the sentence. It is not law that no corroboration would be required to testimony of victim in all cases in order to convict an accused in respect of offence similar in nature as alleged in this case. Here in this case, as per the case of the victim herself incident had occurred when she was sleeping besides her mother and sister. In the second incident she claims to have raised shout and called her mother for help. In such circumstances, this Court find prima facie substance in the contention of the learned counsel for the appellant that non examination of mother would become a reasonable argument at the time of hearing of the appeal finally.

5. All these facts coupled with the evidence on record which indicates that the family members had grievance against the appellant on account of his addiction to liquor and abusing and beating family members and the said issue could be argued to create the possibility of false implication of appellant in the case.

6. On apprehension of victim, a voluntary undertaking is given by he learned counsel for the appellant that he will not enter in the limits of Tal-Mhasala, District – Raigad decision of this appeal.

ORDER

- (i) The application is allowed.

- (ii) The appellant be released on bail on furnishing P.R.Bond of Rs.15,000/- with one surety in the like amount.
- (iii) The suspension of sentence imposed against the appellant by Judgment and Order dated 23.02.2024 passed in Special (POCSO) case No. 22 of 2022 stands suspended till decision of appeal.
- (iv) Appellant shall not directly or indirectly contact victim in any manner whatsoever.
- (v) Appellant shall not enter in the limits of Tal- Mhasala, District – Raigad till decision of appeal.
- (vi) In case of breach of above conditions, the order of bail shall stand vacated forthwith and the appellant be taken in the custody to undergo sentence.

7. Interim application is disposed of.

(R. M. JOSHI, J.)