

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4772 OF 2024

IN

CRIMINAL APPEAL NO. 1087 OF 2023

Balu Atmaram ChavanApplicant/Appellant

Vs.

The State of Maharashtra & Anr.Respondents

Mr. Sushant N. Mhatre (Appointed Advocate), for Applicant

Mr. Aashish Satpute, APP for Respondents-State.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 17th February 2025.

P.C.:-

- 1) Heard learned counsel for the Parties.
- 2) By this Interim Application preferred through the Legal Services Authority, the Applicant seeks suspension of his sentence and enlargement on bail pending the hearing and final disposal of his aforesaid Appeal.
- 3) The Applicant vide judgment and order dated 9th November 2017 passed in Special Sessions Case No. 255 of 2015 by the Additional Sessions Judge, Pune has been convicted for the

offences punishable under Section 376(2)(f) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012 ('POCSO'), to suffer imprisonment for life.

4) Perused the papers. The Applicant is the father of the victim (deceased). *Prima facie*, the evidence on record i.e the evidence of the mother of the victim, the medical evidence and statement of the victim recorded under Section 164 of the Code of Criminal Procedure shows the complicity of the Applicant.

5) Considering the aforesaid, this is not a case to suspend the Applicant's sentence and enlarge him on bail.

6) Hence, the Application is rejected.

6) However, considering that the Applicant is in custody for about 10 years, the Appeal to be listed on 7th April 2025 for final hearing at the end of the admission board.

7) Registry to ensure that the paperbook is furnished on Mr. Mhatre, learned counsel appointed by the Legal Services Authority.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)