

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.5252 OF 2024
IN
CRIMINAL APPEAL NO. 1330 OF 2024

Chandram Udho Yadav Applicant

V/s.

Union Territory of Dadara & Nagar Haveli Respondents
& Ors.

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Mr.Brijesh Shukla a/w Mr.Vishal Shukla, for the Applicant.
Mr.Ashwin Thool a/w Mr.Ayush Singh and Mr.Archishmati
Chandramore, for Respondent No.1-Union Territory.
Ms.Aishwarya Sharma, for Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 13th NOVEMBER, 2025

P.C:-

. This Application is for suspension of sentence and enlargement of the Appellant on bail who is sentenced to suffer 20 years Rigorous Imprisonment with fine by judgment and order dated 9th October 2024 passed in Special POCSO Case No.39 of 2023 for the offences punishable under Section 376-AB of the Indian Penal Code, 1860 ('IPC' for short) and Section 6 of the Protection of Children from Sexual Offences

Act, 2012 ('POCSO' for short).

2. The learned counsel for the Appellant submits that, the *prima facie* consideration of evidence on record indicates that, this is case of false implication and as such, at this stage itself the Appellant deserves to be enlarged on bail. He drew attention of the Court to the testimony of victim who was aged of 5 years old then who gives account of the incident in the cross-examination. It is in this submission that as per the said statement of the victim, the daughter of Accused was there alongwith her and the Accused came to the spot and took both to their house. In response to the question asked to the victim she candidly admits that her mother had told to inform that accused has touched her private part. It is his submission that read with the medical evidence clearly shows that this is a case of clear acquittal.

3. The learned counsel for Respondent No.2 as well as APP opposed the Application by setting the grievous nature of the crime as well as age of the victim. He drew attention of the medical papers indicates that, the Medical Officer stated about

their being since and sexually assaulted and possibility cannot be ruled out.

4. At this stage, this Court is required to see there would be a reasonable case which could be made out during the course of the hearing for acquittal. *Prima facie* perusal of the case of the victim indicating that the possibility of the tutoring can not be ruled out. Similarly her testimony further shows that at the spot of the incident she was alongwith the daughter of the Accused. It was the Accused who brought them together in the house. In this backdrop the medical evidence does not supports of the sexual assault. Having regard to this fact, the Appellant has no criminal history he will not flee from justice. Having regard to these facts this is a fit case for suspension of sentence and for bail.

5. The learned counsel for the Appellant makes voluntarily statement on instructions the Appellant will not enter in the jurisdiction of Silvsa till the decision of the Appeal. The statement is accepted as an undertaking. Any breach of the said condition/statement will forthwith result into

the vacation of the order and the Appellant will result cancellation of the bail.

6. In view of the above, the Application stands allowed in following terms.

ORDER

- (i) The Appellant-Chandram Udho Yadav, be released on bail on furnishing a P.R. Bond of Rs.15,000/- with one surety in the like amount.
- (ii) Appellant shall not enter in the jurisdiction of the Silvasa, till decision of Appeal.
- (iii) Bail before the Trial Court.

(R.M. JOSHI, J.)