

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.948 OF 2025
IN
CRIMINAL APPEAL NO.115 OF 2025

Sachin Alias Lambu Hanumant Rajeya Applicant

V/s.

The State of Maharashtra & Anr. Respondents

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Mr.I.K. Tripathi a/w Mr.B.R. Yadav, for the Applicant.

Mr.A.S. Gawai, APP, for Respondent-State.

Ms.Komal Sinha, (Appointed Advocate), for Respondent No.2.

CORAM : R.M. JOSHI, J.

DATE : 11th NOVEMBER, 2025.

P.C:-

. Heard both sides.

2. This Application is for suspension of sentence of the Accused and for his enlargement on bail in connection with the conviction recorded against him by judgment and order dated 1st October 2024 passed in Special POSCO Case No.213 of 2018, wherein the Appellant is sentenced to suffer RI for ten years imprisonment with fine.

3. The learned counsel for the Applicant submits that the Appellant is arrested on 13th March 2018 and for about 7 years and 9 months he is actually in prison. It is his submission that the testimony of the victim is not supported by the medical evidence. He also drew attention of the Court to the cross-examination of the victim wherein she admits that she was beaten near the garden, though she denied the suggestions to the effect of she being found along with a boy in the garden. It is a submission that, the said evidence gets support from the testimony of the Investigating Officer who accepts that it was revealed in the investigation that the victim was beaten near garden. It is his submission that going to this fact, it is fit case for the enlargement of the Appellant-Accused on bail.

4. The learned counsel for Respondent No.2-victim as well as APP opposed the Application. It is their contention that the prosecution has proved the victim to be minor at the time of the occurrence of the incident in question. In the substantive evidence of the victim she claims occurrence of the incident in the house of the Appellant and she also claims to

have been called by the Appellant and she was forced to sexual intercourse and that there is no reason to disbelieve the testimony. It is argued that the medical evidence indicates that hymen being torned supports/corroborates testimony of the victim.

5. In order to the consider when Appellant is entitled for bail and suspension of sentence, the convict has to make out the arguable case in the Appeal indicating fair chance of success. Insofar as the *prima facie* consideration the material on record indicates that the medical officer has accepted of not finding any injuries on the person of the victim. There is further admission of the victim about she being beaten in the garden which is further supported by the investigation carried out by the Investigating Officer. Thus, it cannot be said that, the Appellant would not have any case on merit in the Appeal. More particularly, when the Appellant has already spent 7 years and 9 months in jail out of 10 years of sentence, this Court finds it appropriate to use it discretion and to enlarge the Appellant on bail, the Application stands allowed in following

terms.

ORDER

(i) The substantive sentence imposed against the Appellant-Accused by judgment and order dated 1st October 2024 passed in Special POSCO Case No.213 of 2018 stands suspended till the decision of the Appeal.

(ii) The Appellant-Sachin Alias Lambu Hanumant Rajeya be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one surety in the like amount.

(iii) The Appellant shall not contact the victim in any manner whatsoever directly or indirectly.

(iv) Any breach of this condition will result the vacation of this order and the Appellant shall be taken in custody for undergoing the remaining sentence.

(v) Bail before the Trial Court.

(R.M. JOSHI, J.)