

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1369 of 2025
in
CRIMINAL APPEAL NO. 374 of 2025

Sharad Popat Kharat

... Applicant/s
Appellant/s

versus

The State of Maharashtra and anr.

.... Respondent/s

Mr. Rahul Dhaigude along with Mr. Sanket Mane, Advocate for the Applicant/Appellant.

Mr. H. J. Dedhia, APP for Respondent No.1-State.

Ms. Saima Ansari, Advocate for Respondent No.2.

CORAM : R. M. JOSHI, J.

DATE : 10th NOVEMBER, 2025.

P.C. :

1. This application is for suspension of sentence and for enlargement of the applicant/appellant on bail in connection with Sessions Case No. 151 of 2021 wherein the appellant is convicted for offences punishable under Sections 376, 354 and 506 of the Indian Penal Code 1860 and sentenced to suffer Rigorous Imprisonment for 10 years, 3 years and six months respectively with fine.

2. Learned counsel for the applicant/appellant submits that the applicant/appellant was on bail during the course of the trial and that he has not abused the liberty. On merit, it is his submission that from the

evidence of the victim, it is clear that on number of occasions, there were sexual relationship between them. It is his argument that though now it is contended that the said relationship was forcible, it is not possible to accept that as the said relationship had taken place in the house of the informant herself. He also drew the attention of the Court to the testimony of the son of the victim so also the employer of the victim to indicate that the FIR came to be lodged only after the termination of victim from service which was due to the appellant. It is his submission that having regard to this fact, the appellant has a fair chance of success in the appeal, hence, be enlarged on bail.

3. Learned counsel for respondent No.2/victim as well as learned APP opposed the application. According to the them, the sole testimony of the victim in such case is sufficient to convict the accused.

4. There is no dispute about the fact that the FIR came to be lodged after about four months after the occurrence of the incident. Though this Court is not expected to decide the appeal at this stage, prima facie, perusal of the record, indicates that the victim has accepted having entered into sexual relationship with the appellant in her own house. Further, there is evidence of her son as well as her employer which indicates that the appellant was considered to be the reason for her removal from the service. In such circumstances, delay of four months assumes relevance. Having regard to these facts, it cannot be said that the appellant would not have fair chance of success in the appeal. The

appellant has no criminal history. He is not likely to flee from justice, hence, the following order :

ORDER

1. The application is allowed.
2. Substantive sentence imposed against the appellant in Sessions Case No. 151 of 2021 by judgment and order dated 11th March 2025 passed by the Additional Sessions Judge, Baramati, Dist.Pune, stands suspended till the decision of appeal.
3. The applicant/appellant be enlarged on bail on furnishing P.R.Bond of Rs.15,000/- with one surety in the like amount.
4. Bail before the Trial Court.
5. The applicant/appellant is directed not to contact the victim or her family members in any manner whatsoever. In case, there is breach of this condition or any other condition, the applicant/appellant shall be taken into custody forthwith and be sent to jail to suffer the remaining sentence.

The interim application stands disposed of in above terms.

(R. M. JOSHI, J.)