

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1555 OF 2025
IN
CRIMINAL APPEAL NO. 422 OF 2025**

Prasanjit Pradip Debnath ...Applicant

Versus

State of Maharashtra & Anr ...Respondents

Mr. Ayush Pasbola, i/b, Mr. Akash Pandey & Shubham
Gharbudave, for the Appellant.

Ms. Y. M. Nakhawa, APP, for the Respondent-State.

Ms. Komal Sinha, for the Respondent No. 2-victim.

Ms. Shamali Joshi, WPSI, Pairavi Officer, Present.

**CORAM R. M. JOSHI, J.
DATED: 17 December 2025**

PC:-

1. This Application is for suspension of sentence and enlargement of the Appellant on bail in connection with Judgment and order dated 7th April 2025 passed in POCSO Special Case No. 547 of 2022 whereby the Appellant came to be convicted for the offence punishable under Section 6 of Protection of Children from Sexual Offences Act, 2012 ("POCSO") and sentence to suffer 20 years imprisonment with fine.

AMOL
PREMNATH
JADHAV

Digitally signed by
AMOL PREMNATH
JADHAV

Date: 2025.12.18
14:47:08 +0530

2. Learned Counsel for the Appellant submits that the Appellant has fair chance of success during the hearing of the Appeal and having regard to the fact that the Appeal is not likely to be heard in short period of time, the same shall become infructuous. On merits, it is argued that though now the victim claims that the physical relations between them were non-consensual and forcible, evidence on record indicates otherwise. It is his contention that even testimony of father of the victim indicates that it is a case of love relationship. It is his further submission that the testimony of victim is not reliable and in absence of any medical evidence supporting the case of sexual intercourse, the Appellant-Accused would succeed in the Appeal. He claims that Appellant has no criminal history behind him.

3. Learned APP and learned Counsel for Respondent No. 2 oppose the Application on the ground that age of the victim, being below 18 years, has been proved through the birth certificate. It is their contention that the victim in her substantive evidence before the Trial Court has categorically deposed about the Accused establishing forcible physical relations with her. It is further submitted that the conduct of the Appellant-Accused disentitles him from seeking bail as he had threatened the victim as well as her family members to publishing the videos and photographs of victim. Learned Counsel for Respondent No. 2 apprehends that if the Appellant is granted bail, there would be danger to the life of victim.

4. In response to this submission, learned Counsel for the Appellant on instructions makes statement that the Appellant

will not enter the jurisdiction of the City and Suburbs of Mumbai till the decision of the Appeal.

5. Learned Counsel for the Appellant further makes statement that the apprehension of the victim can be taken care by recording statements that the Appellant will not publish any photograph or video of the victim whether obscene or otherwise.

6. At this stage, the Court has to see as to whether there is any fair chance for the Appellant to succeed in the Appeal as the Appeal is not likely to be heard in short period of time. Here in this case, the victim has refused to undergo medical examination. Prima facie though there is admission on the part of the accused of medical papers, there is no express opinion rendered by the medical officer that the reason for hymen being not intact is sexual intercourse. Apart from this, the statement of father of the victim nowhere indicates that there was any forcible relationship between Appellant and victim. Having regard to these facts, it cannot be said that Appellant would not have a fair chance of success in the Appeal. In view of the fact that he has no criminal history behind him, he is not likely to flee from justice.

7. In view of this following order is passed:-

ORDER

(i) The substantive sentence imposed against the Appellant vide judgment and order dated 7th April 2025 passed in POCSO Special Case No. 547 of 2022 stands suspended till hearing of the Appeal.

(ii) The Appellant be enlarged on bail on furnishing PR Bond of 15,000/- with one surety in the like amount to the satisfaction of Trial Court.

(iii) The Appellant shall not enter the territorial jurisdiction of City and Suburbs of Mumbai till decision of the Appeal.

(iv) The Appellant shall not contact victim in any manner whatsoever.

(v) The Appellant shall not publish any video, photograph etc whether obscene or otherwise on any public platform or not to share the same with any individual.

(vi) Any breach of the condition hereinabove shall forthwith result into cancellation of his bail forthwith.

8. The Interim Application is disposed of in the above terms.

(R. M. JOSHI, J)