

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3001 OF 2025****IN****CRIMINAL APPEAL NO.836 OF 2025**

Gopinath Dattu Jamdhade

... Applicant

V/s.

State of Maharashtra & Anr

... Respondents

Mr. Amit Gharte for the Applicant.

Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.

CORAM : A. S. GADKARI AND**RANJITSINHA RAJA BHONSALE, JJ.****DATE : 11th NOVEMBER, 2025****P.C. :**

1) This is an Application for suspension of sentence and releasing the Applicant on bail.

2) The Applicant is convicted under Sections 363, 302, 201 of the Indian Penal Code, 1860 ('IPC') and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO') and is sentenced to suffer imprisonment for life by the learned Additional Sessions Judge, Nashik, in Sessions Case No.316 of 2018, by its Judgment and Order dated 20th May, 2025.

3) The prosecution case in brief is that, the Appellant is the cousin uncle of the victim. The victim was aged about 5 years on the date and time of the incident. It is the allegation against the Appellant that, with a view to

commit an offence under Section 8 of the POCSO Act he abducted the victim from the lawful custody of her parents; committed the said offence under the provisions of the POCSO Act; to screen the evidence committed murder of said child and buried her body near the Upali Nala. During the course of investigation, the Applicant pointed out the spot where he had buried the the dead body of victim. The said body was exhumed by police. DNA report of the dead body states that, it was of the victim who was the daughter of the first informant. The evidence on record *prima facie* indicates that, the accused lured the victim by giving chocolate and attempted to commit rape on her and subsequently committed her murder by strangulation.

4) There is sufficient evidence available on record to *prima facie* indicate that, the Applicant is the author of the said crime. The chain of circumstances leading to conviction of the Applicant appears to be complete. In view of the gravity and seriousness of the offence, we are not inclined to release the Applicant on bail during the pendency of the Appeal.

5) Interim Application is accordingly rejected.

6) As the Applicant is presently undergoing the sentence at Nashik, Central Prison, the Registrar (Judicial-II) is directed to communicate this Order to the Applicant through the Superintendent of the said Jail.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)