

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4392 OF 2025
IN
CRIMINAL APPEAL NO. 1166 OF 2025

Ram Navshiram Sonwane

...Applicant/
Appellant

Versus

State of Maharashtra and anr.

...Respondents

Mr. Priyal G. Sarda, with Ms. Seema S. Dighe, for the
Applicant/Appellant.

Ms. Kanchan Tanaji Pawar (Appointed Advocate), for the
Respondent No.2.

Mr. R. M. Pethe, APP, for the State.

CORAM: R. M. JOSHI, J.

DATED: 7th JANUARY, 2026.

PC:-

1. This Application is for suspension of sentence and enlargement of the Appellant on bail in connection with judgment and order dated 28th October, 2025 passed in Special Case No.29 of 2024, whereby the Appellant came to be convicted for the offence punishable under Section 376(2)(f) r/w 506(2) of the Indian Penal Code (IPC) and sentenced to suffer ten years imprisonment with fine.

2. Learned counsel for the Appellant submits that though the offence under the Protection of Children from Sexual Offences Act,

2012 (**POCSO Act**) were charged against the Appellant, he is acquitted from the said charges. It is his submission by referring to the testimony of the Victim that she claims to have no physical relations with anyone else, but for the physical relations established forcible by the accused with her. It is further argued that from the evidence of the prosecution witnesses, it is clear that there were disputes between the family of the Appellant and Informant. Thus, according to him, the possibility of false implication is not ruled out. Finally, it is argued that the case of the prosecution is not supported by the DNA report which excludes the Appellant who have committed any sexual intercourse which has resulted into the pregnancy of the victim. Learned counsel for the Appellant states that Appellant has no criminal history

3. Learned counsel for the Respondent No.2 as well as the learned APP opposed the Application on the ground that the offence is serious in nature.

4. Learned APP submits that considering the strata from which the Victim comes, the possibility of false implication does not exists. The Respondent No. 2 referred to the evidence of Victim as well as her mother which according to her indicates that the offence has been duly proved against the Appellant.

5. *Prima facie* in order to seek enlargement on bail, the Appellant has to make out the case about he having fair chance of success in the appeal. *Prima facie* perusal of the evidence on record indicates that Victim specifically states about she having no physical relations with her husband also. The allegation of the prosecution, therefore, is that the Victim carried pregnancy due to

the forcible sexual relations by the accused with her. This case of the prosecution is not supported by the DNA report. Apart from this, as rightly pointed out by the learned counsel for the Appellant that there are disputes between the parties and as such, the possibility of false implication is not ruled out. Thus, it can be said that the Appellant has fair chance of success in the Appeal. He has no criminal history. He is not likely to flee from justice.

6. In view of the above, the following order is passed:

ORDER

(i) Interim Application stands allowed.

(ii) The substantive sentence imposed against the Appellant by the judgment and order 28th October, 2025 passed by the Trial Court in Special Case No. 29 of 2024 stands suspended till the decision of the Appeal.

(iii) The Appellant be enlarged on bail on furnishing P.R. bond in a sum of Rs.15,000/- (Fifteen thousand rupees) with one surety in the like amount.

(iii) Appellant not to contact victim or her family members in any manner whatsoever.

7. In view of the above, Interim Application No.4392 of 2025 stands disposed of.

(R. M. JOSHI, J.)