

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 815 OF 2024
WITH
INTERIM APPLICATION NO. 2987 OF 2024
IN
CRIMINAL APPEAL NO. 815 OF 2024

Chandbabu alias Shadab Razak Mukim Shah ...Appellant
Versus
The State of Maharashtra & Anr ...Respondents

Mr Khan Abdul Wahab, for the Appellant/Applicant.
Mr SS Ghag, APP, for Respondent No. 1-State.
Ms Samiksha Pawar, for Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 27TH JANUARY 2026

PC:-

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MORMARE

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1. This Application is filed for suspension of sentence and enlargement of the Applicant on bail in connection with Judgment and Order dated 15th May 2024 passed in POCSO Special Case No. 73 of 2021, whereby the Appellant came to be convicted for the offence under Section 6 of POCSO Act and sentence to suffer 20 years of imprisonment with fine amongst other conviction.

2. Learned counsel for the Appellant submits that the Appellant is behind bar for last five years and he has a fair chance of success in the Appeal. He argued by referring to the evidence of victim

and the medical evidence which, according to him, suggests that there is no support to the claim of the victim in respect of the occurrence of the incident. He drew attention of the Court to the evidence of the mother of the victim which, according to him, shows that the Appellant herein is innocent.

3. Learned APP and counsel for Respondent No. 2 opposed the Application by citing seriousness of the crime.

4. In order to seek suspension of sentence and enlargement on bail, the Appellant has to show that he has fair chance of success in the Appeal. Prima facie perusal of the evidence of the mother of the informant indicates that the victim had identified some other person to be the perpetrator of crime. She admits to have lodged false report against the present Appellant. Apart from this, there is no medical evidence to support the case of the prosecution about sexual intercourse being caused with the victim, who is aged about 9 years. Prima facie the said evidence shows that the Appellant has fair chance of success in the Appeal. He has no criminal history, not likely to flee from justice.

5. In view of the above, the following order is passed.

ORDER

(a) Interim Application stands allowed.

(b) The substantive sentence imposed against the Appellant by the Judgment and Order dated 15th May

2024 in POCSO Special Case No. 73 of 2021 stands suspended till the decision of the Appeal.

- (c) The Appellant be enlarged on bail on furnishing PR Bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.
- (d) Appellant not to contact victim or her family members in any manner whatsoever.

6. In view of the above, Interim Application No. 2987 of 2024 stands disposed of.

(R. M. JOSHI, J.)