

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4420 OF 2024

IN

CRIMINAL APPEAL NO. 898 OF 2025

Pawan Pandurang Patankar

...Applicant/
Appellant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Pawar Limbaraj Manikrao, for the Applicant/Appellant.

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

Ms. Nishi Singhvi (Appointed), for the Respondent No.2.

CORAM: R. M. JOSHI, J.

DATED: 20th JANUARY, 2026.

PC:-

1. This is an Application for suspension of sentence and enlargement of the Applicant on bail in connection with the Judgment and Order dated 6th May 2024 passed in POCSO Special Case No.1375 of 2021 whereby the Applicant came to be convicted for the offences punishable under Section 6 of the Protection of Children From Sexual Offences Act, 2012 ('POCSO Act') and sentenced to suffer rigorous imprisonment for 20 years with fine and default sentence.

2. Learned counsel for the Applicant submits that there is absolutely no evidence in order to hold that the Victim was sexually abused by the Applicant. It is his submission that having regard to the nature of allegation, there would be at-least some evidence to indicate happening of such an incident. He further says that the Applicant has no criminal history and hence, is not likely to flee from justice. It is his argument that the Appeal is not likely to be heard in short period of time and considering the said fact, the Applicant is entitled to be released on bail.

3. Learned APP and learned counsel for the Respondent No.2/Victim opposed the Application. It is their contention that the conviction can be solely based upon the testimony of Victim and hence, it is not the case for enlargement of Applicant on bail.

4. No doubt, there can be cases wherein on the basis of sole testimony of the Victim, which is of sterling quality, the Court is justified in convicting the Accused for the offence of sexual assault. This Court finds substance in the contention of the learned counsel Applicant that *prima facie* consideration of the evidence of the Victim does not inspire confidence and hence, the corroborative evidence would be necessary. Herein in this case, there is allegation against the Applicant of inserting his finger into the anus of the Victim. Pertinently, though Victim was medically examined, there is absolutely no evidence to indicate the occurrence of such an incident. Medical Officer in his cross-examination accepts that not even tissue damage was found at the anus of the Victim. The evidence of the Medical Officer is not candid. Having regard to these facts, the Applicant has fair chance of success in the Appeal.

The Applicant has no criminal history. He is not likely to flee from justice.

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

ORDER

(i) Interim Application stands allowed.

(ii) The substantive sentence imposed against the Applicant by the Judgment and Order dated 6th May 2024 passed in POCSO Special Case No.1375 of 2021 stands suspended till the decision of the Appeal.

(iii) The Applicant 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.

(iv) The Applicant not to contact Victim or her family members in any manner whatsoever.

6. In view of the above, Interim Application No.4420 of 2024 stands disposed of.

7. Aforesaid observations are *prima facie* in nature and parties won't be bound by the same at the time of hearing of the Appeal.

(R. M. JOSHI, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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