

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 5351 OF 2024
IN
CRIMINAL APPEAL NO. 1101 OF 2024**

Hiraman Ramchandra Titkare ...Appellant/Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

Mr. Hrishikesh R. Chavan, *for the Appellant.*
Ms. S. K. Gajare, *APP for the State-Respondent No.1.*
Ms. Aishwarya Sharma, *for the Respondent No.2.*

CORAM R. M. JOSHI, J.
DATED: 21st JANUARY 2026

PC:-

1. This application is for suspension of sentence and enlargement of the Appellant on bail in connection with the Judgment and Order dated 30th January 2024 passed in Sessions Case No. 162 of 2021, whereby the Appellant is sentenced to suffer rigorous imprisonment for 10 years with fine.

2. The facts of the case are that the daughter of the Appellant-accused levelled allegations against him of being

sexually harassed by the Appellant. She claims to have narrated the incident to her mother. However, mother was not of any help to her. Ultimately, she approached her maternal aunt and uncle, with whose aid she could lodge a report against the Appellant. She maintained her version before the Trial Court in her substantial evidence. Her version is supported by the medical evidence on record. Apart from this, the prosecution examined the younger brother of the victim in order to support the case of the prosecution. The Trial Court accepted the case of the prosecution and convicted the Appellant.

3. Learned counsel for the Appellant submits that the Trial Court has failed to take into consideration a vital aspect of the case, that the mother of the victim, who was informed about the alleged incident of sexual assault, was not examined by the prosecution. It is his submission that though the evidence of the brother is led before the Court, his statement came to be recorded belatedly. It is his argument that having regard to

the fact that there were disputes in the family over the Appellant not providing money for household expenses, the possibility of false implication is made out. Learned counsel for the Appellant further submits that in view of the evidence of the victim, it can be seen that the victim along with her parents and brother were residing in two-room premises and hence, it is not possible that any such incident would have occurred.

4. Learned APP and learned counsel for Respondent No.2 opposed the application. According to them, the Appellant has not brought on record any substantive reason for his false implication. It is their submission that the testimony of the prosecutrix/victim itself is sufficient to prove the guilt of the Appellant. According to them, her version gets support not only from the evidence of her brother but also from the medical evidence.

5. In order to seek suspension of sentence and enlargement on bail, the Appellant has to make out a *prima facie* case of

success in the Appeal. Even though it is accepted that the place of incident is two-room premises, that by itself does not lead to the conclusion that the offence could not have occurred. The prosecutrix, in her testimony, specifically states the manner in which the incident of sexual assault used to be caused on her by her father. In the cross-examination, nothing was elicited in order to discard her testimony. Though it is brought on record that the Appellant was not providing money for household expenses and quarrels used to be occur on that issue, the same cannot become a substantial reason for false implication of the Appellant. As rightly pointed out by the learned counsel for Respondent No.2 and the learned APP, the testimony of the victim is reliable so also it also gets support from medical evidence and the evidence of her brother. In such circumstances, this Court finds no justification to enlarge the Applicant on bail.

6. Hence, the Interim Application stands dismissed.

7. Appeal stands expedited.

8. It is clarified that the observations made hereinabove are restricted to the decision of the Interim Application and shall not come in way of both the sides while hearing the Appeal finally.

(R. M. JOSHI, J.)