

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1393 OF 2025****IN****CRIMINAL APPEAL NO. 556 OF 2025**

Dipak Gena Londhe

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Satyavrat Joshi a/w Adv. Ms. Indrayanee Pandit for the Applicant.

Smt. P.P. Shinde APP for the Respondent-State.

Mr. Nikhil Maneshinde for the Respondent No.2.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 7th APRIL, 2026.

P.C.:-

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

2) Applicant is convicted under Section 376 of the IPC and under Section 6 of The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and is sentenced to suffer imprisonment for life under Section 6 of the POCSO Act. In view of the provisions of Section 42 of the POCSO Act, a separate punishment under Section 376 of the IPC is not imposed

upon the Applicant.

3) Heard Mr. Joshi, learned Advocate for the Applicant, Mr. Maneshinde, learned Advocate for the Respondent No.2, Complainant and Smt. Shinde learned APP for the Respondent-State. Perused record.

4) The victim girl (PW No.3) was aged about 10 years on the date of commission of offence. The Applicant is the step-father of the victim. Perusal of evidence of victim discloses that, on the fateful day he committed forcible sexual intercourse with her. When the Applicant was committing the said act, the mother of victim who is the wife of Applicant (PW No.1) came at their house. The Applicant opened the door, upon which the victim (PW No.3) immediately confided the ordeal suffered by her to the mother (PW No.1). The mother took the victim to the nearby police station and narrated the said fact.

5) The victim girl was examined by Dr. Raghava Arora (PW No.8). In his testimony, Dr. Arora has deposed that, the hymen of victim was torn at 6 O'clock, 9 O'clock and 12 O'clock position. There was peri-hymenal redness and inflammation present. That, from history and clinical examination there was evidence of recent forceful vaginal penetration due to sexual intercourse without any physical injury on the body.

6) It thus *prima facie* reveals that, the version narrated by the victim is duly corroborated by the medical evidence.

- 7) According to us, the crime alleged against the Applicant is a heinous crime as he has committed the breach of faith reposed on him by his daughter.
- 8) In view of the above, we are not inclined to grant the relief of releasing him on bail.
- 9) Application is accordingly rejected.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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