

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.2947 OF 2025****IN****CRIMINAL APPEAL NO.807 OF 2025**

Raju Iranna Vaidya

... Applicant

V/s.

State of Maharashtra & Anr

... Respondents

Mr. M.A. Khan for the Applicant.

Smt. M.H. Mhatre, A.P.P. for Respondent No.1-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.****DATE : 29th APRIL 2026****P.C. :**

1) This is an Application for suspension of sentence and for releasing the applicant on bail during the pendency of Appeal. Applicant is convicted under Sections 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, ('POCSO Act') and under Section 377 of the Indian Penal Code, 1860, and sentenced to suffer rigorous imprisonment for life. In view of the punishment imposed upon him under the provisions of POCSO Act, the trial Court did not impose separate punishment under Section 377 of the Indian Penal Code, 1860, as contemplated under Section 42 of POCSO Act.

2) Heard Mr.Khan, learned Advocate for the applicant and Smt.Mhatre, learned A.PP for Respondent No.1-State.

3) Learned Advocate for the applicant submitted that, there is no eyewitnesses to the incident and that there is material discrepancy in the victim's identification of the applicant. It was further submitted that, the applicant has been falsely implicated and that the witnesses testimony is unreliable. He therefore prayed that, the applicant may be released on bail during the pendency of trial.

4) In the present case, the victim was a boy aged about 9 years. Perusal of evidence of (PW No.2) i.e. the mother of victim and (PW No.3) i.e. the neighbour of victim clearly indicates that, immediately after the alleged sexual assault on him, he confided in his mother who *inter alia*, informed the said fact to (PW No.4). The medical evidence of Dr.Priyanka Bali, (PW No.5), duly corroborates the version of victim boy. In his testimony before the Court the victim boy (PW No.1) has narrated the ordeal he suffered and has also identified the applicant as his assaulter.

5) It be noted here that, there cannot be an eyewitness to the crime of this nature. According to us, if any persons in the vicinity had witnessed the incident, they would have certainly intervened and prevented the applicant, from indulging into such a heinous crime and rescued the victim boy. After taking into consideration the evidence of the victim and his

mother, we are of the considered view that, the offence alleged against the applicant is grave and heinous in nature. The trial Court has rightly taken the evidence of the witnesses into consideration while convicting the applicant.

6) In view of the above, we are not inclined to release the applicant on bail during the pendency of Appeal.

7) Application is accordingly rejected.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

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