

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3911 OF 2025
WITH
INTERIM APPLICATION NO.3912 OF 2025
IN
CRIMINAL APPEAL NO.1229 OF 2025**

Rajeshbhai Gamajabhai EndaitApplicant
Vs.
State of Maharashtra & Anr.Respondents

Ms. Ashwini B. Jadhav, Advocate i/b Sham Walve for the Applicant.
Mr. Ajay S. Patil, APP for the Respondent No.1-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 16th JANUARY, 2026.

PC.:-

- 1) These are Applications for suspension of sentence and releasing Applicant on bail.
- 2) The Applicant is convicted under Section 376(2)(i), 376(E) of the Indian Penal Code (for short 'I.P.C.') and under Section 4 of the Protection of Children from Sexual Offences Act ('POCSO Act'). He is sentenced to suffer rigorous imprisonment for life and to pay total fine of Rs.15,000/-, by the learned Additional Sessions Judge, Nashik, in Sessions

Case No.162 of 2015, by its Judgment and Order dated 10th June 2015.

3) Perusal of the record indicates that, the victim herein was a girl aged about three years. The evidence of mother of the victim indicates that, she was doing vocation of begging for their survival. The Applicant under pretext of providing food to the mother, brother and victim, took the victim alongwith her and committed the offence alleged against her. A passerby noticed that, the victim girl was profusely bleeding and therefore he wrapped her in a gunny bag and took her to police station. The Medical Officer (PW.6) has noticed various injuries on the person and on the private part of the victim girl. The medical evidence *prima facie* duly corroborates the prosecution case regarding sexual assault on the said minor girl. In paragraph No.30 of the impugned Judgment, the learned Judge of the trial Court has observed that, the Applicant is already an accused in three crimes in offences punishable under Section 376 of the I.P.C. and present crime is the fourth crime against him. That, in all the four offences committed by the Applicant, the victim girls are aged 4 to 8 years and the *modus operandi* adopted by the Applicant is the same i.e. on the pretext of giving the victim food stuff, he took them along with him and subjected to sexual assault. It, thus, clearly appears that, the Applicant is a repeat offender and has tendency to commit offence of a particular crime i.e. subjecting minor girls to sexual assault.

4) In view of above, we are not inclined to release the Applicant

on bail during pendency of Appeal. Both Applications are, accordingly dismissed.

5) As the Applicant is in jail, we direct the Registry to list the Appeal on final hearing board, after the R & P from the trial Court is received.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)