

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 664 OF 2016
IN
CRIMINAL APPEAL No. 379 of 2016

Tanveer Ahmed Gulam Hussain Momin ..Applicant.
Vs
State of Maharashtra ..Respondent.

Mr R.N. Bhavsar for the Applicant.
Smt. Anamika Malhotra, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 5th July, 2016

P.C.

- 1) This is an application for suspension of substantive sentence and for releasing the applicant on bail pending the hearing and disposal of the appeal.
- 2) The applicant has been convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.100/-, in default of payment of fine to further suffer simple imprisonment of seven days by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Goregaon, Mumbai by its Judgment and Order dated 3.5.2016 in POCSO Special Case No. 34 of 2015. By the impugned Judgment and Order, the applicant has been further directed to pay compensation of Rs.5,000/-to the victim girl and in default of deposit of said amount to further undergo simple imprisonment for three months.

- 3) The learned counsel for the applicant submitted that the applicant was on bail during the trial and he did not commit breach of any of the conditions imposed upon him.
- 4) The maximum sentence imposed upon the applicant is of 3 years, which is a short term sentence. That the applicant was on bail during the trial and there is no report that the applicant has violated any of the conditions of the bail. There is no possibility of the appeal being heard on merits in the near future. In the circumstances, the applicant is entitled for bail.
- 5) Hence, the following order.

ORDER

- (a) The substantive sentence imposed upon the applicant is suspended during the pendency of the appeal, subject to the condition that the applicant shall deposit the amount of compensation of Rs.5,000/-in the Registry of the Trial Court within a period of two weeks from today. If the applicant fails to deposit the said amount within the stipulated period, the order of suspension of sentence shall stand vacated without further reference to this Court;
- (b) The applicant be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount;
- (c) After his release from Jail, the applicant shall attend the Trial Court once in three months, on every first Monday of the said month between 11:00 a.m.

to 1:00 p.m;

(d) In case of any two consecutive defaults in attending the Trial Court by the applicant the prosecution will be entitled for seeking cancellation of bail granted by this Court;

6) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)