

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.495 OF 2017
IN
CRIMINAL APPEAL NO.291 OF 2017**

Javed Alam Khalikujjama Khan)...Applicant.

**V/s.
State Of Maharashtra)...Respondent**

Mr. R.D.Suryawanshi, Advocate for the Applicant.

Mr. P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th April, 2017.

P.C. :

This is an application for suspension of sentence and releasing the applicant-accused on bail during the pendency of the appeal filed by him. The applicant-accused has been convicted of the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (In short 'POCSO Act, 2012') and he has been sentenced to suffer SI for three years.

2 Heard the learned advocate appearing for the applicant-accused. He argued that as substantive sentence of

imprisonment was up to 3 years, the trial Court has suspended the same. The applicant-accused was on bail during the pendency of the trial.

3 The learned APP opposed the application by contending that the accused and victim are residents of the same place.

4 I have carefully considered the rival submissions and also perused the record made available including the impugned judgment and order passed by the learned trial Court. The applicant-accused is ultimately found to be guilty of the offence punishable under Section 8 of the POCSO Act, 2012 and he has been sentenced to suffer SI for three years. It is seen that substantive sentence of imprisonment imposed on him is suspended by the learned trial Court. Short sentence of 3 years has been imposed on the applicant-accused and considering the pendency of appeals before this Court , the appeal filed by the applicant-accused may not be taken up for hearing even during this period of three years. Hence, the applicant-accused is entitled for liberty till disposal of his appeal by this Court and as such, the

order:

- (1) Application is allowed.
- (2) The applicant-accused is directed to be released on bail on executing PR bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.
- (3) As a condition of this order, the applicant-accused should not contact victim or her relatives in any manner during the pendency of the appeal. He should not extend threat, promise or inducement to them.

(A. M. BADAR, J.)