

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 634 OF 2017
IN
CRIMINAL APPEAL NO. 383 OF 2017

Abdul Salim Sayyed GhoshApplicant

V/s.

The State of MaharashtraRespondent

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Mr. Rajesh Khobragade a/w. Ms. Gayatri Nayak, Advocate
for the applicant.

Mrs. G.P. Mulekar, APP for the respondent, State.

CORAM :- SANDEEP K. SHINDE, J.

DATE :- 4th JULY, 2017.

P.C. :-

1. The applicant has been convicted of the offence punishable under Section 354 Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences, 2012 and sentenced to suffer rigorous

imprisonment for three years and pay fine of Rs.1,000/-.

No separate sentence was recorded for the offence punishable under Section 354 Indian Penal Code. The appeal against the said conviction is admitted. The applicant is seeking bail vide this application.

2. Heard Mr. Khobragade, the learned Counsel appearing for the applicant and Mrs. Mulekar, the learned APP for the State.

3. Perused the judgment and order and the notes of evidence. The applicant was principally charged for outraging the modesty of the victim when he held her left hand. On her report, Crime No. 515 of 2014 was registered at Santacruz Police Station. He was tried by the POCSO Special Court and held guilty of the offences and charged for, as aforesaid. It appears that the applicant was released on bail in January, 2015 but since he jumped the bail conditions, he was re-arrested and denied bail by order dated 19th September, 2016. I have perused the order dated 19th September, 2016. It appears from the said order that, he is in jail nearly for 362 days.

Considering this fact and the quantum of punishment imposed on him, I am inclined to suspend the sentence during the pendency of Appeal and enlarge him on bail on his executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount. He shall execute the bond and furnish the sureties in the trial Court.

4. Pending Appeal, he shall report to Santacruz Police Station once in a month on a Monday of the first week of the month between 11 a.m. to 1.00 p.m. and continue such attendance entirely for a year and thereafter, as and when, required by the concerned Police Station. With this directions, the application is disposed off.

(SANDEEP K. SHINDE, J)