

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.918 OF 2017

IN

CRIMINAL APPEAL NO.936 OF 2014

WITH

CRIMINAL APPLICATION NO.311 OF 2017

IN

CRIMINAL APPEAL NO.936 OF 2014

WITH

CRIMINAL APPLICATION NO.757 OF 2017

IN

CRIMINAL APPEAL NO.936 OF 2014

WITH

CRIMINAL APPLICATION NO.1304 OF 2017

IN

CRIMINAL APPEAL NO.936 OF 2014

Imran Shamim Khan ... **Applicant**

V/s.

The State of Maharashtra ... Respondent

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None for the Applicant.

Mr. S.R.Shinde, APP for the State.

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CORAM : A.M.BADAR J.

DATED : 19th September 2017.

P.C. :

1 These applications are registered on the basis of letters sent
by Appellant/Accused through jail.

2. The Applicant/Accused is convicted of the offence punishable under Section 6 of the Protection of Children from

Sexual Offences Act, 2012 so also under Section 506 of the Indian Penal Code.

3. He has been sentenced to suffer rigorous imprisonment for 10 years apart from direction to pay fine of Rs.2,000/-, in default to undergo simple imprisonment for 15 days for the offence punishable under Section 506(II) of the Indian Penal Code. He is sentenced to suffer rigorous imprisonment for one year apart from payment of fine of Rs.500/- and in default to undergo further simple imprisonment of 7 days.

4. By an order dated 18th August, 2016 passed in Criminal Application No.1604 of 2014 the Applicant/Accused is directed to be released on furnishing PR bond in the sum of Rs.25,000/-with one or two sureties in the like amount.

5. By filing Criminal Application No.311 of 2017 the Applicant/Accused is praying that amount of surety be reduced as he is unable to furnish surety of Rs.25,000/-.

6. By filing Criminal Application No.757 of 2017 the Applicant/Accused is praying that he be released on cash security

as he is unable to furnish surety as directed by the Court.

7. By filing Criminal Application No.918 of 2017 the Applicant/Accused is praying for permitting him to furnish cash security instead of surety as directed by this Court.

8. By filing Criminal Application No.1304 of 2017 the Applicant/Accused is praying for releasing him on PR bond and for reducing the amount of his surety bond.

9. I have carefully perused all applications filed by the Applicant/Accused. I have also perused the order directing him released on bail so also the impugned judgment and order of conviction.

10. According to the prosecution case the Applicant/Accused had penetrative sexual assault on victim female child, who was taking education in 3rd Standard. This Court (Coram: P.N. Deshmukh, J) vide order dated 18th August, 2016 pleased to release the Applicant/Accused on bail by directing him to execute PR bond of Rs. 25,000/- and on furnishing one or two sureties in the sum of Rs.25,000/-.

11. Nature and seriousness of offence is a relevant consideration for fixing the amount of bail bond. Considering the nature of offence which is held to be proved against the Applicant/Accused, this is not a fit case wherein amount of surety bond can be reduced. However, the Applicant/Accused can be directed to release on furnishing cash security for the amount fixed as per order dated 18th August, 2016.

12. The Applicant/Accused is permitted to furnish cash security in the amount of Rs.25,000/- as directed by order dated 18th August, 2016 in Criminal Application No.1604 of 2014 and to that effect clause No.(i) of the said order is modified.

13. With these directions all applications are disposed of.

14. The Applicant/Accused be informed accordingly.

(A.M.BADAR J.)