

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1000 OF 2017
IN
CRIMINAL APPEAL NO. 607 OF 2017**

Juber Kasam Khan	...Appellant
Versus	
The State of Maharashtra	...Respondent

Ms. Prabha Uday Badadare for the Applicant

Ms. Anamika Malhotra, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 2nd AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

3. The applicant has been convicted and sentenced vide Judgment and Order dated 17th June, 2017, passed by the learned Additional Sessions Judge-5 and Special Judge, POCSO, Thane, as under :

- for the offence punishable under Section 354A of the Indian Penal Code ('IPC'), to suffer till rising of the Court;
- for the offence punishable under Section 8 of the POCSO Act, to suffer SI for 3 months and to pay a fine of Rs. 300/-, in default, to suffer SI for 1 month;

(Both the Substantive sentences are directed to run concurrently).

4. Learned Counsel for the applicant states that the applicant was on bail pending the trial and has not abused or misused the conditions of bail. She further submits that the applicant's sentence has been suspended, after his conviction and that, presently, he is on bail.

5. Learned A.P.P does not dispute the same.

6. Perused the papers. The appeal has been admitted by a separate order passed today. The sentence imposed is a short term sentence. The appeal is not likely to be heard in near future. The applicant has paid the fine amount. The applicant was on bail pending trial and has not misused or abused the conditions of bail.

7. Accordingly, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Officer of the concerned Police Station;

8. The application is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.