

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1246 OF 2017

IN

CRIMINAL APPEAL NO.741 OF 2017

Nasirudin Nijamuddin Siddique ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

....

Mr.Balwant Salunkhe i/b. Satyavrat Joshi, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 25th September 2017.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant on bail during pendency of appeal filed by him before this Court. The applicant/accused has been convicted of the offences punishable under Section 354(A) of the Indian Penal Code as well as under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "POCSO Act" for the sake of brevity). He is sentenced to suffer rigorous imprisonment for six months apart from payment of fine Rs.500/- on each count.

2 Heard the learned Advocate appearing for the applicant as well as learned Additional Public prosecutor for the respondent/State.

3 Short sentence of six months of rigorous imprisonment has been imposed on the applicant/accused. This sentence has already been suspended by the learned trial Court. Considering the pendency of appeals before this Court, it appears that the appeal of the applicant/accused cannot be heard and disposed of within the period of six months.

 In this view of the matter, the following Order.

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on execution P.R. bond of Rs.15,000/- and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicant should not contact the alleged victim of the crime in question as well as her relatives in any manner and he should not commit any offence in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)