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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 252 OF 2018
IN
CRIMINAL APPEAL NO. 165 OF 2018**

Habibulla @ Barister Karamali Shaikh

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Yogesh Rawool a/w S.S. Redekar for Applicant.

Mr. V.V. Gangurde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 10th APRIL 2018.

P.C.:

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] The applicant is convicted under Sections 363, 366A, 376)1) of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act and is sentenced to suffer maximum rigorous imprisonment for seven years and to pay a fine of Rs.7000/- by the learned Additional Sessions Judge, Palghar in Special Case No.8 of 2014 by its

Judgment and Order dated 22nd January 2018.

4] The learned Counsel for the applicant submitted that, the applicant has already deposited the fine amount in the Registry of the Trial Court. He further submitted that the applicant was arrested on 28.4.2014 by the Investigating Agency and since then he is in jail.

5] The maximum sentence imposed upon the applicant is of seven years of rigorous imprisonment and as the applicant is in jail since the date of his arrest and the possibility of appeal being heard on merits in near future is remote, I am inclined to release applicant on bail.

Hence the following Order:

(i) During the pendency of the appeal, the substantive sentence imposed upon the applicant is suspended.

(ii) During the pendency of the appeal, the applicant be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(iii) After his release from jail and during the pendency of appeal the applicant shall attend the Trial Court on every first Monday of the month between 11.00 a.m to 2.00 p.m. and mark his presence. If 1st Monday of the month is a holiday, the applicant shall mark his presence in

the Trial Court on the immediate next day.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)