

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

**CRIMINAL BAIL APPLICATION NO. 347 OF 2018
IN
CRIMINAL APPEAL NO. 219 OF 2018**

Faim Mehbub Jakati	Applicant.
Vs.	
The State of Maharashtra	Respondent.

Ms. Prachita P. Vare i/by Mr. Prakash V. Vare for the Applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.

**CORAM : A. S. GADKARI, J.
DATE : 13th MARCH, 2018.**

P.C.:-

This is an Application for suspension of sentence and for releasing the Applicant on bail.

2 The Applicant is convicted under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, "*the POCSO Act*") and sentenced to suffer Rigorous Imprisonment for three years and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default of payment of fine, to further undergo Simple Imprisonment of 30 days and the Applicant has been further directed to pay a compensation of Rs.15,000/- (Rupees Fifteen Thousand only) to the victim girl, by the learned Special Judge under POCSO Act, Greater Mumbai in Special Case No. 74 of 2014 by Judgment and Order dated

9th January, 2018.

3 The learned counsel appearing for the Applicant submitted that the Applicant has already deposited the fine amount and the amount of compensation in the Trial Court. She further submitted that, the Applicant is on bail under Section 398 (3) of the Cr.P.C., by the Order of the Trial Court dated 9th January, 2018.

4 As the maximum sentence imposed upon the Appellant is for three years of Rigorous Imprisonment, I am inclined to release the Applicant on bail. Therefore, the following order-

- a) The Applicant be released on bail in POCSO Special Case No. 74 of 2014 arising out of C.R. No. 595 of 2013, on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- b) During the pendency of the Appeal, the Applicant shall mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m to 2.00 p.m.. If the said first Monday is a non-Court working day/public holiday, the Applicant shall mark his presence, immediately on the next day.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)