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

**CRIMINAL APPLICATION NO. 571 OF 2018
IN
CRIMINAL APPEAL ST. NO. 390 OF 2018**

Aizaz Nabban Khan

..Applicant

Vs

The State

(through Nayanagar Police Station)

..Respondent

Ms. Nirmala Bharati i/b T.K. Sinha for applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 17th 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 8 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act) read with Section 354A (1) (i) of the Indian Penal Code and is sentenced to suffer rigorous imprisonment of three years and to pay a fine of Rs.1000/-, in default of

payment of fine to undergo simple imprisonment for one month by the learned Additional Sessions Judge, Thane in Special Case No. 141 of 2017, by its Judgment and Order dated 13th October 2017.

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 has already undergone one year of actual imprisonment.

As the maximum sentenced imposed upon the applicant is three years of rigorous imprisonment and out of which he has already undergone one year of actual imprisonment and the possibility of appeal being heard on its own 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 the

appeal, the applicant shall not enter in the jurisdiction of Nayanagar Police Station, District Thane.

(iv) 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.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)