

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

**CRIMINAL APPLICATION NO.1350 OF 2018
IN
CRIMINAL APPEAL NO.990 OF 2018
WITH
CRIMINAL APPLICATION NO.1351 OF 2018
IN
CRIMINAL APPEAL NO.990 OF 2018**

Dost Mohammad Shah Mohammad Khan ... **Applicant**

V/s.

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

Mr.Aamir N. Malik for the applicant.

Mr.S.V. Gavand, APP for the respondent /State.

CORAM : A.M.BADAR J.

DATED : 16th AUGUST 2018.

P.C. :

1. These are applications for suspension of sentence and for releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused is convicted of the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012. He is sentenced to suffer rigorous imprisonment for three years apart from directing him to pay a fine of Rs.2,000/- and undergo default sentence of simple imprisonment for one year on failure to pay the fine.

2. Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant was on bail during pendency of the trial and he has not mis-used his liberty and he will not mis-used his liberty if he release on bail. The learned Additional Public Prosecutor opposed the application by contending that the applicant is found to be guilty of committing sexual assault on the victim child.

3. I have carefully considered the rival submissions and also perused the copies of the deposition of the prosecution witnesses as well as the impugned Judgment and Order of conviction and resultant sentence.

4. Short sentence of imprisonment of three years is imposed on the applicant and the same has already been suspended by the learned Trial Court. The applicant/accused was on bail during pendency of the trial. In this view of the matter, the following order;

:: ORDER ::

- (i) Substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on his furnishing surety in the like amount.

(ii) As a condition of this order, the applicant should not contact the minor victim of crime in question as well as the prosecution witnesses or her relatives in any manner and he should not indulge in commission of similar offence in future.

(iii) Failure to abide by this condition shall entail the prosecution to apply for cancellation of bail granted to the applicant/accused.

(iii) The applications are accordingly disposed of.

Vina
Arvind
Khadpe

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(A.M.BADAR J.)