

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1393 OF 2018**

**IN**

**CRIMINAL APPEAL NO.1006 OF 2018**

Dilshad Abdul Hamid Ansari ... **Applicant**

V/s.

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

Mr.Abdul H. Kotwala i/b. Sumaira Legal Associates for the applicant.

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

**CORAM : A.M.BADAR J.**

**DATED : 19<sup>th</sup> SEPTEMBER 2018.**

**P.C. :**

1. This is application for suspension of sentence and for releasing the applicant/accused on bail during pendency of the appeal filed by him.

2. The applicant is convicted of the offence punishable under

Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) so also under Section 363 of the Indian Penal Code. The learned Trial Court has directed that the substantive sentence of imprisonment to run concurrently. The applicant is awarded highest sentence of three years of rigorous imprisonment for offences punishable under Section 8 of the POCSO. Lesser sentences are awarded on other counts.

3. Heard the learned counsel appearing for the applicant/accused. He argued that during pendency of trial, the applicant was on bail. Then after recording his conviction, the sentence imposed on the applicant has already been suspended by the learned Trial Court.

4. The learned Additional Public Prosecutor opposed the application.

5. Short sentence of imprisonment is awarded to the applicant and the appeal filed by him may not be heard within a short

period of three years. The applicant was on bail during pendency of trial and sentence imposed on him has already been suspended by the learned Trial Court. Hence, the following order;

**:: 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 his executing P.R. Bond in the sum of Rs.15,000/-and on furnishing one surety in the like amount.
- (iii) As a condition of this order,the applicant/accused should not contact the victim of the crime in question or her relatives in any manner. The applicant/accused should not repeat commission of similar offence in future
- (iv) Time to deposit compensation is extended by six more weeks. It be deposited before the trial Court.

Vina  
Arvind  
Khadpe

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**(A.M.BADAR J.)**