

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1711 OF 2018
WITH
CRIMINAL APPLICATION NO.1712 OF 2018
IN
CRIMINAL APPEAL NO.1210 OF 2018**

NASIM KAMRUDDIN ANSARI)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Ajay Kumar Upadhyay, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 19th OCTOBER 2018

P.C. :

1 These are applications for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused is convicted of offences punishable under Sections 354, 323 and 509 of the

Indian Penal Code as well as under Section 12 of the Protection of Children from Sexual Offences Act, 2012. Except for the offence punishable under Section 323 of the Indian Penal Code, the applicant/accused is awarded sentence of rigorous imprisonment for 1 year apart from payment of fine of Rs.5,000/- on each count, for rest of the offences, for which he is convicted. For the offence punishable under Section 323 of the Indian Penal Code, the applicant/accused is sentenced to suffer rigorous imprisonment for 4 months apart from payment of fine of Rs.5,000/- and default sentence of rigorous imprisonment for 1 month.

2 Heard the learned counsel appearing for the applicant/accused as well as the learned APP appearing for the State.

3 It is reported that the applicant/accused has deposited the entire amount of fine of Rs.20,000/- and the substantive sentences of imprisonment imposed on him is already suspended by the learned trial court. The appeal filed by the applicant

/accused may not be heard within the short period of 1 year as the learned trial court had directed that substantive sentences shall run concurrently. In this view of the matter, the following order :

ORDER

- i) The applications are allowed.
- ii) Substantive sentence of imprisonment imposed on the applicant/accused is suspended and the applicant/accused is directed to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.
- iii) The applicant/accused should not contact the minor victim of the crime in question and her relatives as well as the prosecution witnesses.
- iv) The applicant/accused should not repeat commission of similar offence in future.
- v) The applications are disposed off.

(A. M. BADAR, J.)