

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1715 OF 2018

IN

CRIMINAL APPEAL NO.1212 OF 2018

Mohammad Tausif Sadar Khan

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Kartik Garg i/b. Mr. Abhishek Patil, Advocate for the Applicant.

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

CORAM : A.M.BADAR, J.

DATED : 31st OCTOBER 2018.

P.C. :

1. This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him.
2. The applicant/accused is convicted for the offence punishable under Section 3354-A(1) of the Indian Penal Code as well as Section 8 of the Protection of Children from Sexual Offences Act, 2012. He is sentenced to suffer rigorous

imprisonment for three years on each count apart from directing him to pay fine of Rs.5,000/- and in default to suffer rigorous imprisonment for three months. Substantive sentences are directed to run concurrently.

3. Heard the learned counsel appearing for the applicant/accused. He argued that the applicant was on bail during the trial and after conviction he is released on bail.

4. The learned APP opposed the application.

5. Short sentence of imprisonment for three years is awarded to the applicant/accused and on convicting him, the same is already suspended by the learned trial Court. The appeal filed by the applicant/accused may not be heard within a period of three years, considering pendency of appeals before this Court. Therefore, the order;

1. - : O R D E R : -

(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 of Rs.15,000/- and on

furnishing surety in the like amount.

(iii) As a condition of this order, the applicant/accused should not contact the victim child or her relatives in any manner and he should not repeat commission of similar offence.

(iv) The application is disposed of accordingly.

(A.M.BADAR J.)