

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

CRIMINAL APPLICATION NO. 1045 OF 2019

IN

CRIMINAL APPEAL NO. 908 OF 2019

Salman Sadiq Mujawar

...Appellant

Versus

The State of Maharashtra

...Respondent

Rakesh Bhatkar - Advocate for the appellant

Mrs. J. S. Lohakare – APP for the respondent-State

Amol G. Anubhule – PSI, Ratnagiri Police Station

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 11th JULY 2019.

P.C. :

The appellant is an accused in Crime No. 531/2016 before Ratnagiri City Police Station, in the alleged offences under Sections 451, 354, 427, 506, 507 of IPC and Section 7 read with 8 of the Protection of Children from Sexual Offences Act (POCSO Act) 2012. He was tried in Special Case No. 6 of 2018 by the Special Court, Ratnagiri and convicted for the offences under Sections 451, 427 and 354, however being acquitted on

the remaining provisions. The trial Court sentenced the appellant to undergo rigorous imprisonment of 3 years under Sections 354 of IPC and 2 years under Section 451 with fine as well. Soon after on the date of the judgment dated 12.06.2019, acting on the applicant's application, the trial Court has suspended his sentence.

2. Though, the allegations involved allegedly on minor, during the Trial, the trial Court disbelieved, the prosecution that the victim was the minor, when the offence took place that is how the appellant had been acquitted under the Protection of Children from Sexual Offences Act (POCSO Act) 2012.

3. As the sentences for 3 years and the appellant had been on bail during the trial. I reckon, it is a fit case to suspend the sentence and enlarge the appellant on bail subject to the following conditions :

ORDER

(i) The Criminal Application is allowed.

(ii) Substantive sentence imposed on the appellant is suspended and is directed to be released on bail on his executing P.R. Bond for Rs. 30,000/- and on his furnishing two sureties for the like amount.

(iii) The appellant failure to abide by these conditions shall entail the prosecution to apply for cancellation of bail now

granted to the appellant.

(iv) Accordingly, Criminal Application No. 1045 of 2019 stands disposed of.

[DAMA SESHADRI NAIDU, J.]