

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.222 OF 2019

IN

CRIMINAL APPEAL NO.228 OF 2019

Farhan Said Khan @ Faizan

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Aniket Vagal, Advocate for the Applicant.

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

CORAM : A.M.BADAR J.

DATED : 18th FEBRUARY 2019

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. He is convicted of the offences punishable under Sections 354-A, 354-D, 448 and 506 of the Indian Penal Code as well as under Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012. Different sentences are imposed on him on different counts and highest amongst those is

the sentence of rigorous imprisonment for three years. The learned trial Court has directed that all substantive sentences shall run concurrently.

2. I have heard the learned Counsel appearing for the applicant/accused. He argued that there was a love affair between the alleged victim of the crime in question as well as the applicant/accused. The applicant/accused was on bail throughout. After his conviction, he is released on bail by the learned trial Court.

3. The learned Additional Public Prosecutor opposed the application.

4. Considering the fact that the applicant/accused was on bail throughout and as after conviction substantive sentence of imprisonment imposed on the applicant/accused has already been suspended by the learned trial Court, 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 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 alleged victim of the crime in question or her relatives in any manner and he should not repeat commission of similar offences in future.
- (iv) The application is disposed of accordingly.

(A.M.BADAR J.)