

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1215 OF 2019
IN
CRIMINAL APPEAL NO. 986 OF 2019

Mohd. Jamir @ Chotu Mohd. Arif Shaikh ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

Mr.Vinod Kashid i/b. Mr.Avinash Ovhal for the applicant.
Mr.A.S. Patil, APP for the respondent-State.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 26th JULY 2019.

P.C. :

The applicant has been charged with the offence under Sections 363, 366, and 354-A of IPC, besides Section 10 of the POCSO Act. Upon trial, the trial Court convicted and sentenced him to five years' rigorous imprisonment. Now, it emerges that of five years sentence imposed, the applicant has been in jail for the last 32 months. As the record reveals, the victim was 15 years old then. She deposed before the trial Court that they had been in love and they eloped. Indeed, the statute does not forgive the

criminal conduct even if were a case of love between a man and a minor girl, for prematurity is penal.

2. But that said, the applicant has already served substantial sentence. I reckon it is a fit case for this Court to suspend the sentence and enlarge the applicant on bail. I do so subject to these conditions:

ORDER

- (i) Criminal Application is allowed.
- (ii) Substantive sentence imposed on the applicant is suspended and is directed to be released on bail on his executing P.R. Bond for Rs.20,000/- and on his furnishing two sureties, each for the like sum.
- (iii) The applicant should not influence or threaten the witnesses, nor should he abuse the process.
- (iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for cancellation of bail granted to the applicant.
- (v) Criminal Application stands disposed of.

[DAMA SESHADRI NAIDU, J.]