

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO. 1268 OF 2019**  
**IN**  
**CRIMINAL APPEAL NO. 1031 OF 2019**

Mr. Irfan Rahamtulla Sharikmaslat. ..Applicant.

Versus

The State of Maharashtra & anr. ..Respondents.

Mr. Sandesh Vishnu More, advocate for applicant.

Mr. S.R. Agarkar, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J.**

**DATE : AUGUST 6, 2019.**

**P. C. :**

1           Heard the learned Counsel for the applicant and the learned APP for State.

2           This is an application under section 389 of the Code of Criminal Procedure, 1973 seeking suspension of substantive sentence imposed upon the applicant by the Additional Sessions Judge at Sangli vide Judgment and Order dated 3/7/2019, thereby convicting the applicant for offence punishable under section 8 of the Protection of Children from Sexual Offence, 2012 and sentencing him to suffer R.I. 3 years and fine of Rs.

*Talwalkar*

5,000/- I.d. to suffer S.I. for 3 months.

3           The applicant has been in custody since 12/6/2018. Since the sentence imposed upon the applicant is short term sentence, he is entitled to grant of bail during pendency of the appeal, as he has undergone sentence of one year and about 2 months. Hence, following order is passed :

**ORDER**

- (i)           The application is allowed.
- (ii)          The substantive sentence imposed upon the applicant is hereby suspended. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- with one or more solvent sureties in the like amount.
- (iii)        Upon being enlarged on bail, she shall mark his presence before the Additional Sessions Judge, Sangli once in 6 months on the date assigned by the learned Sessions Court, Sangli. Upon failure to attend any two consecutive dates, the learned Sessions Court, Sangli shall report to the High Court and the prosecution is at liberty to move for cancellation of the bail.

4           The application is disposed of accordingly.

**[SMT. SADHANA S. JADHAV, J.]**

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