

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

**CRIMINAL APPLICATION NO.1969 OF 2018
WITH
CRIMINAL APPLICATION NO.1970 OF 2018**

**IN
CRIMINAL APPEAL NO.1463 OF 2018**

Mr. Iqbal Islamuddin Ansari Applicant

Vs.

The State of Maharashtra & Anr. Respondents

Mr. A.K. Upadhyay for the Applicant.

Mr. Y.M. Nakhwa, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 21st January 2019

P.C.:

1 These are the applications under Section 389 Code of Criminal Procedure seeking suspension of substantive sentence imposed upon the applicant vide judgment and order dated 29th October 2018 by the Additional Sessions Judge, Borivli Division, Dindoshi, Goregaon, Mumbai, in POCSO Special Case No.87 of 2017.

2 Learned counsel for the applicant submits that the applicant was taken into custody on 9th January 2017 and since then he is in jail. The applicant was not on bail during pendency of the trial. It is also stated that the applicant has undergone two years of substantive sentence and he has been sentenced to rigorous imprisonment for three years and fine of Rs.5,000/-. In view of this, the applicant deserves to be enlarged on bail during the pendency of the appeal. Hence, the following order.

ORDER

- i) The applications are allowed and stand disposed of.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 29th October 2018 is hereby suspended.
- iii) 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.
- iv) The applicant shall report to the Court of Additional Sessions Judge, Borivli Division, Dindoshi, Goregaon, Mumbai once in six months on the date assigned by the Sessions Judge.

v) Upon failure to attend any two consecutive dates, the Sessions Court shall report the same to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

(Smt. Sadhana S. Jadhav, J)