

Anand

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

CRIMINAL APPLICATION NO. 2078 OF 2018

(For Bail)

IN

CRIMINAL APPEAL NO. 1432 OF 2018

Iqrar Ahmed Shaikh S/o.
Mohd. Hanif Shaikh

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. C. Alai a/w Mr. A. Lahoti, Advocate, for the Applicant
Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.04.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks suspension of his sentence and enlargement on bail pending the hearing and final disposal of his Appeal.

3. Learned counsel for the Applicant submits that the Applicant was on bail pending trial and that he has not misused or abused his liberty whilst on bail. He further submits that the

Applicant has been falsely implicated in the said case and the same is evident from the fact, that there is a delay of nine months in lodging the FIR. He further submitted that the said complaint / FIR was lodged at the instance of the Applicant's wife, as she was demanding money which was refused by the Applicant.

4. Perused the papers. The allegation as against the Applicant is that he misbehaved with his step daughter i. e. he would touch her inappropriately. The Applicant has been convicted for the offence punishable under Section 10 r/w Section 9(m)(n) of the Protection of Children from Sexual Offences Act, 2012 and has been sentenced to suffer R. I. for seven years. The Appeal has been admitted. It is not in dispute that the Applicant was on bail pending trial and has not misused / abused liberty granted to him whilst on bail.

5. Having regard to the peculiar facts, the fact that the Applicant was on bail and the fact that the Appeal is not likely to be heard in the immediate near future, the Application is allowed. The Applicant's sentence is suspended and the Applicant is enlarged on bail on the following terms & conditions :-

O R D E R

(i) The Applicant be enlarged on bail on his furnishing P. R. Bond in the sum of **Rs. 25,000/-** with one or more sureties in the like amount;

(ii) The Applicant shall report to the Learned Special Judge, Mumbai **once in three months** on the date assigned by the Learned Special Judge. Upon failure to attend any two consecutive dates, the Learned Special Judge, Greater Bombay shall make report to the High Court and the prosecution would be at liberty to file an Application seeking cancellation of bail;

(iii) The Applicant shall keep the trial Court informed of his current address and mobile number and / or change of residence or mobile details, if any, from time to time.

6. Accordingly, the Application is disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)