

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.1021 OF 2019
IN
CRIMINAL APPEAL NO.772 OF 2019

(Sheikh Rafique Sheikh Gulab Vs. State of Maharashtra thr. PSO PS Yavatmal City,
Ta. & Dist. Yavatmal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Shyam Ramakant Jaiswal (Appointed) Advocate for Applicant.
Shri S.M. Ghodeswar, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 5th MARCH, 2020.

The applicant – accused is convicted for offence punishable under section 354, 354-A of the Indian Penal Code and section 8 of the Protection of Children from Sexual Offences Act (POCSO Act) and is sentenced to suffer rigorous imprisonment for three years and to payment of fine of Rs.500/-.

2] The learned appointed counsel Shri Shyam Jaiswal states that although the sentence was suspended by the trial court, the applicant is in jail since he could not arrange a surety.

3] I heard the learned counsel Shri Shyam Jaiswal at length. I have scrutinized the material on record.

4] In my considered view, the applicant has made out case for suspension of the sentence. The applicant is in

custody since four and half months or more only because he could not arrange for surety which was the condition imposed by the trial court for suspending the sentence.

5] In this view of the matter, the substantive sentence is suspended till decision of the appeal.

6] The applicant shall be released from custody on furnishing P.R. bond of Rs.20,000/-.

7] The applicant shall report at Police Station Yavatmal City, District Yavatmal on the first Monday of every calendar month till the final disposal of this appeal.

8] The applicant shall attend every date of hearing of the appeal.

JUDGE