

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

***CRIMINAL INTERIM APPLICATION NO. 501 OF 2021
(For Bail)***

WITH

***CRIMINAL INTERIM APPLICATION NO. 502 OF 2021
(For Suspension)***

IN

CRIMINAL APPEAL NO. 138 OF 2021

Najeer Maqbul Khan

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Kiran Varma i/b Mr. Ravindra B. Mungekar for the Applicant

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent No.1–State

None for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 1st APRIL 2021

P.C. :

1 Heard learned counsel for the parties.

2 By these applications, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the appeal.

3 The applicant, vide judgment and order dated 17th December 2020, passed by the learned Special Judge under POCSO Act, Greater Mumbai, in Special POCSO Case No. 527 of 2016, has been convicted and sentenced as under:

- for the offence punishable under Section 354A of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act ('POCSO Act'), to suffer rigorous imprisonment for 3 years and to pay fine of Rs.10,000/-, in default, to undergo simple imprisonment for 3 months.

4 It is not in dispute that the applicant was on bail, pending trial and even post his conviction, his sentence was suspended by the trial Court. It is also not in dispute that whilst on bail, the applicant has not abused or misused the liberty granted to him. The appeal has been admitted by vide order dated 24th February 2021 and the same is not likely to come up for the hearing in the immediate near future. The sentence awarded is a short term sentence.

5 Considering the aforesaid, the applications are allowed and the applicant's sentence is suspended and he is enlarged on bail, pending

the hearing and final disposal of his appeal, on the following terms and conditions :

ORDER

- i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
 - ii) The applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till his appeal is finally disposed of;
 - iii) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;
 - iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of applicant's bail.
- 6 The applications are accordingly disposed of.
- 7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.