

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1709 OF 2022****IN****CRIMINAL APPEAL NO. 579 OF 2022**

Sahil Aslam Ansari

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Jigar K. Agarwal i/b. Mr. Shaikh Shafi Ahmed for Applicant/Appellant.
Mr.S.S. Hulke, A.P.P. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.**DATE : 27th June 2022.****PC. :**

1. This is an application for suspension of sentence and releasing the Applicant on bail.

2. Applicant has been convicted under Section 363 of the Indian Penal Code and is sentenced to suffer simple imprisonment for one year and to pay a fine of Rs.5,000/- by the learned District Judge-6 & Special Judge (POCSO) Act, Thane in Spl. (POCSO) Case No. 103 of 2016 by its Judgment and Order dated 11th May 2022.

3. Learned Advocate for Applicant submitted that, the Applicant was on bail during the pendency of the trial and there is no report of breach of any of the conditions imposed upon him. He, on instructions, submitted that, the Applicant has already deposited entire fine amount in the Registry of the

Trial Court.

4. The sentence imposed upon the Applicant is a short terms sentence and the possibility of hearing the present Appeal on its own merits in near future is remote. The Applicant was on bail during the pendency of the appeal and there is no report of breach of any of the conditions imposed upon him.

This Court therefore is of the view that, during the pendency of this Appeal, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

5. Hence, the following Order :-

- (i) Applicant/Accused be released on bail in Spl. (POCSO) Case No. 103 of 2016, on his furnishing P.R. bond of Rs.25,000/- with one or two separate solvent local sureties in the like amount.
- (ii) During the pendency of the Appeal, the Applicant is directed to attend Rabale MIDC Police Station, Navi Mumbai, on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year, till final hearing of present appeal.
- (iii) Applicant shall not contact informant/prosecutrix and/or witnesses during the pendency of the present Appeal.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]