

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1983 OF 2022

IN

CRIMINAL APPEAL NO. 538 OF 2022

Rijwan @ Rizwan Baba Shaikh

.....Applicant

Vs.

State of Maharashtra and Anr.

.....Respondents

Mr. Shubham Upadhyay for the Applicant.

Ms. Sharmila Kaushik, APP for Respondent No.1-State.

CORAM : A. S. GADKARI, J.

DATE : 14th JULY, 2022.

P.C.:-

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

2. Applicant has been convicted under Sections 8 and 12 of the Protection of Children from Sexual Offence Act and is sentenced to suffer maximum rigorous imprisonment for 3 years and to pay a total fine of Rs.10,000/- by the learned Special Judge under P.O.C.S.O. Act, Greater Mumbai in POCSO Special Case No. 113 of 2018 by its Judgment and Order dated 19th March, 2022.

3. Learned Advocate for Applicant submitted that, the Applicant was released on bail during the pendency of trial and there is no report of breach of any of the conditions imposed upon him. That, the Applicant has already deposited entire fine amount with the Trial Court.

4. The maximum sentence imposed upon the Applicant is 3 years

of rigorous imprisonment. Possibility of hearing present Appeal on its own merits in near future is remote. Record indicates that, Applicant was on bail during the pendency of trial and there is no report of breach of any of the conditions imposed upon him. In view thereof, during the pendency of Appeal, substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

5. Hence, following Order:-

- (i) Applicant/Accused in POCSO Special Case No. 113 of 2018 be released on bail on his furnishing P. R. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) During the pendency of Appeal, the Applicant is directed to attend Mankhurd Police Station, 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.
- (iii) Applicant shall not contact prosecutrix or threaten her.

6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)