

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2124 OF 2022****IN****CRIMINAL APPEAL NO. 667 OF 2022**

Mohammed Tarik Islam Shaikh

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Praveen B. Kamble i/by Priyal G. Sarda for the Applicant.

Mr. S.S. Hulke APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 8th JULY, 2022.****P.C.:-**

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

2 Applicant has been convicted under Section 509 of the Indian Penal Code and under Section 12 of the Protection of Children From Sexual Offences Act, 2012 (for short, "*the POCSO Act*") and is sentenced to suffer maximum rigorous imprisonment for two years and to pay fine of Rs.2,000/-, by the Additional Sessions Judge and Special Judge (POCSO), Thane in Special Case (POCSO) No.269 of 2018 by its Judgment and Order dated 4th May 2022.

3 The sentence imposed upon the Applicant is a short term sentence i.e. two years of rigorous imprisonment. Possibility of hearing the present Appeal on its own merits in near future is remote. Record indicates that, the Applicant was on bail during the pendency of trial and there is no report of breach of any of the bail conditions imposed upon him. That, the Applicant has already deposited fine amount in the Registry of the Trial Court.

 In view thereof, during the pendency of present Appeal the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

4 Hence, the following Order:-

- (a) Applicant be released on bail in Special Case (POCSO) No.269 of 2018 arising out of C.R. No.16 of 2018 registered with Chitalsar Police Station, Thane on his furnishing P.R. bond of Rs.50,000/- with one or two solvent local sureties in the like amount.
- (b) Applicant is permitted to furnish provisional cash bail for a period of twelve weeks from today and during the said period, he is directed to comply with the conditions of furnishing solvent sureties.
- (c) During the pendency of the Appeal, the Applicant is directed to attend Chitalsar Police Station, Thane on

every first Monday of the month initially for a period of one year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year.

(d) During the pendency of the Appeal, Applicant shall not contact with the prosecutrix and other witnesses from the present case.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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