

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

**INTERIM APPLICATION NO.3603 OF 2022
IN
CRIMINAL APPEAL NO.1057 OF 2022**

**....
WITH
INTERIM APPLICATION NO.3604 OF 2022
IN
CRIMINAL APPEAL NO.1057 OF 2022**

Abdulla Jakaulha Usmani Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. A.A. Pande, Advocate for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent No.1-State.
Mr. Ajit M. Savagave, Advocate (appointed) for the
Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th DECEMBER, 2022

P.C. :

1. These are the applications for suspension of sentence and grant of bail during pendency of the appeal filed by the applicant challenging the judgment and order

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dated 28.9.2022 passed by the Special Judge under POCSO Act for Greater Mumbai in POCSO Case No.234/2014.

2. The applicant was convicted for commission of the offence punishable under Sections 293, 354-A(iii), 509 of IPC and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act'). The maximum sentence imposed on him was for one year besides imposition of fine.

3. Heard Shri A.A. Pande, learned counsel for the applicant, Shri S.R. Agarkar, learned APP for the respondent No.1-State and Shri Ajit Savagave, learned appointed counsel for the respondent No.2.

4. Learned counsel for the applicant submits that the applicant was on bail during trial and he has not misused that liberty. The alleged incident is dated 30.6.2013. About nine years have passed. He submitted that even after his conviction he was granted bail for a limited period under Section 389 of Cr.PC. by the trial Court.

5. He further submitted that the incident is not true. The hard-disk which was sent to FSL did not contain the photographs which were allegedly shown to the victim by the applicant.

6. Learned counsel for the respondent No.2 and learned APP opposed these applications on merits. They submitted that the applicant had shown obscene videos to a minor girl aged eleven years. The computer expert has supported the case of the prosecution.

7. I have considered these submissions. Both the parties have raised the issues which will have to be decided during final hearing stage after considering the record and proceedings. However, the sentence is short and the appeal is not likely to be decided during that period. The alleged incident has taken place about nine years ago. Considering all these aspects, the applicant can be granted bail.

8. Hence, the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Appeal No.1057/2022, the applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii. The applicant shall not cause harassment to the victim in any manner, directly or indirectly.
- iii. The applications are disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)