

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

**INTERIM APPLICATION NO.115 OF 2023
IN
CRIMINAL APPEAL NO. 19 OF 2023**

Wasim Safiulla Ansari @ Guddu

...Applicant

Vs.

State Of Maharashtra & Anr.

...Respondents

Mr. Gyanprakash Pal a/w Mr. Pranot Pawar i/b Maharashtra Law
Juris for Applicant.

Mr. A. R. Patil, APP for Respondent No.1-State.

None for Respondent No.2.

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 29TH NOVEMBER 2023

P. C. :

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal preferred by applicant challenging the judgment of conviction.

2. The Applicant is convicted under Section 10 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act") in POCSO Special Case No. 37 of 2014, by the Special Judge under POCSO Act, Mumbai, and is sentenced to

suffer rigorous imprisonment for five years and to pay fine of Rs.10,000/-.

3. Learned APP while opposing the application submits that there is sufficient evidence on record to sustain conviction of applicant.

4. Sentence imposed on applicant is a short term sentence, in the wake of decision in the case of *Bhagwan Rama Shinde Gosai and Ors. Vs. State of Gujarat (1999) SCC (Cri.) 553* and considering the fact that no exceptional grounds are made out to reject the bail and since appeal is not likely to be heard for final hearing in near future, application deserves to be allowed.

5. In the result, the following order :-

- (i) Application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 2nd December, 2022, passed by Special Judge under POCSO Act, Mumbai in Special Case (POCSO) No. 37 of 2014, is suspended during the pendency of the Appeal.
- (iii) Applicant be released on executing personal bond of Rs.25,000/- with one or more sureties in the like amount.

- (iv) At present applicant be released on cash bail of Rs.25,000/-. Surety shall be furnished within eight weeks from the date of release.
- (v) Applicant shall attend concerned police station once in a month on every first Sunday between 10 am to 12 noon.
- (vi) Applicant shall not indulge in any unlawful and criminal activity.
- (vii) Applicant shall furnish his current address and cell phone number to the concerned police station.
- (viii) Fine amount to be paid, if already not paid, within eight weeks.

[NITIN B. SURYAWANSHI, J.]

CHAITANYA
ASHOK
JADHAV

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by CHAITANYA
ASHOK JADHAV
Date:
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