

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

CRIMINAL INTERIM APPLICATION NO. 1439 OF 2023

IN

CRIMINAL APPEAL NO. 458 OF 2023

Sheru Akram Khan

...Applicant

Versus

State Of Maharashtra And Anr.

...Respondents

....

Mr. Kamran S. Shaikh, Advocate for the Applicant.

Mr. Shailesh Kantharia, Advocate for Respondent No.2.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 30th JUNE, 2023.

PER COURT:

1. The Applicant is seeking suspension of sentence and grant of bail during the pendency of the appeal preferred by Applicant challenging the Judgment of conviction dated 20th February, 2023 passed by learned Special Judge Mangaon, District Raigad.

2. The Applicant has been convicted for an offence under Sections 354-A(2) of Indian Penal Code (for short 'IPC') and sentenced to suffer rigorous imprisonment for three years. He is also convicted for an offence under Section 354-D(2) of IPC and sentenced to suffer imprisonment for three years and further convicted for an offence under Section 12 of Protection of Children

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from Sexual Offences Act, 2012 and similar sentence was imposed.

All the sentences were directed to run concurrently.

3. Learned APP and learned Advocate for Respondent No.2 submitted that there is sufficient evidence to convict the Applicant.

4. The Applicant was on bail during the trial. On the date of conviction the sentence was suspended by trial Court for temporary period. The suspension was continued on the previous date of hearing by this Court.

5. Considering the fact that the sentence is of short term and the grounds urged in appeal, the application can be allowed.

ORDER

i. Criminal Interim Application No.1439 of 2023 is allowed;

ii. The substantive sentence of imprisonment imposed vide Judgment and order dated 20th February, 2023 passed by learned Special Judge Mangaon, District Raigad is suspended during the pendency of Criminal Appeal No.458 of 2023. The Applicant is directed to be released on same bail as directed by trial Court with fresh bond.

- iii.** The Applicant shall report concerned Police Station once in three months on first Saturday of the month between 11:00 to 1:00 till further order;
- iv.** Interim Application stands disposed off.

(PRAKASH D. NAIK, J.)