

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 1868 OF 2023
WITH
INTERIM APPLICATION NO. 1867 OF 2023
IN
CRIMINAL APPEAL NO. 584 OF 2023**

Afaak Gul Mohammad Shaikh @
Afaak Mohammed Gul Mohammed Shaikh ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

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None for Appellant.

Mrs. Anamika Malhotra, APP for the Respondent – State.

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CORAM : PRAKASH D.NAIK, J.

DATE : 14th JUNE, 2023.

P.C.:-

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal preferred by the applicant challenging the judgment of conviction.
2. The applicant has been convicted for an offence punishable under Section 354(D) of Indian Penal Code and sentenced to suffer simple imprisonment for two months. The applicant has been acquitted for offence under Sections 354(a), 506 of IPC and Section 12 of Protection of Children from Sexual Offences Act. The applicant was on bail during the trial.

Considering the term of imprisonment, the sentence is required to be suspended.

ORDER

- (i) Interim Application Nos. 1868 and 1867 of 2023 are allowed.
- (ii) The substantive sentence of imprisonment imposed vide judgment and order dated 23rd March 2023 passed by learned Special Judge under POCSO Act, Greater Bombay in POCSO Special Case No.251 of 2016 is suspended and the applicant is directed to be released on bail on the same bail as in the trial Court with fresh bail bond.
- (iii) Both the applications are disposed off.

(PRAKASH D. NAIK, J.)