

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2139 OF 2023
IN
CRIMINAL APPEAL NO.672 OF 2023**

Ashfaq Shah Mangu Shah ..Applicant
VS.
The State of Maharashtra and another ..Respondents

Mr. Nikhil G. Hire a/w Mr. Soham Powar for the Applicant.
Ms. Anamika Malhotra, APP for the State.
Ms. Manisha Devkar for Respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 9, 2023

P.C. :

1. Heard learned counsel for the Applicant.
2. For the offence punishable under Sections 354-A(1)(i) of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) the Applicant is sentenced to suffer rigorous imprisonment for six months and simple imprisonment for three years respectively. Fine amount has been paid. The Applicant was on bail during the trial. There is nothing on record that the liberty was misused by the Appellant. The Appeal is likely to take a long time to be heard finally as per its turn.

3. Learned APP and learned counsel for Respondent No.2 opposed the Application.

4. Considering grounds in the appeal memo and the short term of sentence imposed of three years, the Applicant can be released on bail. The sentence is suspended pending hearing of this Appeal. Hence, the following order :-

ORDER

(i) The Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount to the satisfaction of the trial Court.

(ii) On being released on bail, the Applicant shall furnish his contact number and residential address to the Investigating Officer and the trial Court and inform in case there is any change.

(iii) The Applicant to remain present at the time of hearing of the appeal.

5. Interim Application stands disposed of.

(M. S. KARNIK, J.)