

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3762 OF 2023
IN
CRIMINAL APPEAL NO. 1146 OF 2023**

Abdul Rehman Iqbal Shaikh ...Appellant
Versus
State Of Maharashtra And Anr. ...Respondents

Ms. Anjali Patil, Advocate for the Appellant.

Mr. A. R. Patil APP for the Respondent-State.

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CORAM : NITIN B. SURYAWANSHI, J.
DATE : 25th OCTOBER 2023

PC.:

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. Applicant is convicted by learned Special Judge under the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act"), Greater Bombay in POCSO Spl. Case No.501 of 2016, under Section 354 of Indian Penal Code, 1860 and Sections 8 and 10 of POCSO Act and sentenced him to suffer rigorous imprisonment for five years and to pay total fine of Rs.5,000/-.

3. Heard learned Advocate for Applicant and learned APP for Respondent-State.

4. Perused the record. Sentence imposed on the applicant is a short term sentence. In the light of decision of the Apex Court in Bhagwam Rama Shinde Gosai And Ors Vs. State Of Gujarat (1999) SCC (Cri.) 553, and as no exceptional circumstances to refuse suspension of sentence are made out, application deserves to be allowed. Hence, following order:-

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 1st September 2023 in POCSO Spl. Case No. 501 of 2016 is suspended during the pendency of appeal.
- (iii) Applicant be released on bail on executing PR bond in the sum of Rs.15,000/- with one surety in the like amoun.
- (iv) Applicant shall deposit the fine amount, if not already deposited.
- (v) Applicant shall not contact the prosecution witnesses and shall attend the trial Court quarterly on first Monday until further orders.
- (vi) Applicant shall furnish his present address as well as permanent address and cellphone number with the Investigating Officer.

(NITIN B. SURYAWANSHI, J.)