



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3926 OF 2023
IN
CRIMINAL APPEAL NO. 510 OF 2019

Abdulla Gulam Ambia Naje ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Manas Gawankar for the Applicant.

Mr. J.P.Yagnik, A.P.P for the Respondent-State.

PSI Mr. Sawant, Sir J.J.Marg Police Station, Mumbai.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**
DATE : 27th OCTOBER, 2023

P.C. :

1. At the outset, learned Counsel for the applicant seeks leave to amend to mask the name of the respondent No.2. Leave granted. Amendment to be carried out forthwith, during the course of the day.

2. By this application, the applicant seeks suspension of his sentence and enlargement on temporary bail, for a period of three weeks, on the premise that his daughter is getting married on 12th November, 2023.

2. Learned Counsel for the applicant submits that the applicant's wife expired sometimes in June, 2019 and as such, it is imperative that he is present at the time of wedding of his daughter which is scheduled on 12th November, 2023. Learned Counsel relied on the invitation card which is at 'Exhibit – A' on page 8 of the application. He submits that the applicant was released on parole earlier on two occasions and that the applicant has not abused or misused the liberty granted to him and that he surrendered in time, as directed by the authority.

3. Learned APP has verified the genuineness of the marriage invitation card which is annexed to the application at Exhibit – A. He does not dispute the fact that the applicant's daughter is to get married

on 12th November, 2023 and that the said marriage is at the venue mentioned in the wedding invitation card. Learned APP also does not dispute the fact that the applicant was twice released on parole and that he has surrendered, well in time. Learned APP also does not dispute the fact that the applicant's wife expired sometimes in June, 2019.

4. Perused the papers. The applicant is convicted by the learned Special Judge (Designated Court under Protection of Children from Sexual Offences Act, 2012), Gr. Bombay, vide judgment and order dated 31st January, 2019, in Special (POCSO) Case No. 603 of 2017, for the offences punishable under Sections 376(2)(f)(i) and 354 of the Indian Penal Code and under Sections 6 and 8 of the Protection of Children from Sexual Offences Act.

5. The applicant is in custody from 18th July, 2017. It is not in dispute that the applicant was released on parole twice and he has reported well in time. The wedding invitation card which is annexed

at 'Exhibit – A' of the application is also not disputed that the marriage of the applicant's daughter is on 12th November, 2023.

6. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on temporary bail from 6th November, 2023 to 21st November, 2023, on the following terms and conditions;

ORDER

(i) The applicant be released on temporary bail from 6th November, 2023 to 21st November, 2023 on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant, during the temporary bail granted to him, shall report the Neral Police Station on 9th November, 2023 and 16th November, 2023, at any time, between 10.00 a.m. to 01.00 p.m.;

(iii) The applicant shall not contact the prosecutrix or

any other witnesses concerned with the case, during the said period;

(iv) The applicant shall surrender before the jail authorities on 21st November, 2023 before 4.00 p.m.

7. The application is accordingly disposed of on the aforesaid terms.

8. The appeal be listed on **28th November, 2023** for recording compliance of clause (iv) of this order.

9. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.