



Diksha Rane

49.ia.1746-23.doc

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

**INTERIM APPLICATION NO.1746 OF 2023
IN
CRIMINAL APPEAL NO.548 OF 2023**

SHABBIR ISMAIL SHAIKH ..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. V. S. Tiwari a/w. Adv. Priti Tiwari, Adv. Priya Muthupandi
for the applicant.

Ms. Megha S. Bajoria, APP for the State.

Adv. Ashwini B. Jadhav for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 20, 2024.

P.C. :

1. Heard learned counsel for the applicant, learned APP
for the State and learned counsel for the respondent no.2.

2. This is an application for suspension of sentence and
bail. The conviction is under Section 8 of the Protection of
Children from Sexual Offences Act, 2012 (hereafter "POCSO
Act", for short) whereby the applicant is sentenced to suffer
three years of rigorous imprisonment and to pay fine of
Rs.3000/-. The applicant is also convicted under Section 506
of the Indian Penal Code (hereafter 'IPC' for short) and is

sentenced to suffer rigorous imprisonment for one year. The fine has been paid.

3. The application is vehemently opposed by learned APP for the State and learned counsel for the respondent no.2. It is submitted that the trial Court by giving cogent reasons convicted the applicant. It is further submitted that even during the pendency of the trial, the applicant has been pressurizing the victim to settle the matter. This is denied by learned counsel for the applicant.

4. The appeal has been admitted. The appeal is unlikely to be heard any time soon. Considering the duration of the sentence and as the applicant has not misused the liberty while he was on bail, having regard to the fact that the appeal is unlikely to be heard any time soon, I am inclined to suspend the sentence and enlarge the applicant on bail.

5. The sentence imposed by the trial Court is suspended and the applicant be enlarged on same bail as before the trial Court but with fresh P. R. bonds.

6. It is made clear that the applicant shall not establish any contact with the victim and shall not enter the vicinity where the victim is residing.

7. The application is disposed of.

(M. S. KARNIK, J.)