

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

**INTERIM APPLICATION NO.3702 OF 2024
IN
CRIMINAL APPEAL NO.1001 OF 2024**

Mainuddin Ajijullah Ansari Applicant

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Nadeem M. S. Shiakh a/w Ashraf Fakhri, Advocate for Applicant.
- Mr. Vinit A. Kulkarni, APP for the State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.
DATE : 18th SEPTEMBER, 2024**

P.C. :

1. The Applicant was the accused in Special Case No.413 of 2023 before the Additional Sessions Judge, Bhiwandi. The learned Judge vide his Judgment and order dated 25/07/2024 convicted the Applicant for commission of offence punishable u/s 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced him to suffer rigorous imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment for six months.

The Applicant was acquitted from the charges u/s 376 (AB) of the Indian Penal Code and u/s 6 r/w 5 (m) of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the Applicant submitted that the Applicant at present is 77 years of age. Out of sentence of 3 years, he has already suffered imprisonment for 2 years, 6 months and 8 days. Only a short period has remained to be undergone. He submitted that he has a good case on merits. After the conviction, the Applicant was granted temporary bail u/s 389 of Cr.P.C. by the learned Trial Judge.

3. Considering these submissions, following order is passed :

ORDER

- (i) Issue notice to the Respondent No.2 returnable on 15/10/2024.
- (ii) The investigating agency shall inform the Respondent No.2 about the next date of listing and shall make a statement to that effect before the Court.

(iii) Till 15/10/2024, the order of granting bail to the Applicant passed by the learned Trial Judge, shall continue.

(iv) Stand over to 15/10/2024.

(SARANG V. KOTWAL, J.)