

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 2407 OF 2024
IN
CRIMINAL APPEAL NO. 636 OF 2024

Kohinoor Sayyednoor Sayyed Applicant

Versus

The State of Maharashtra and Anr. Respondent

Mr. Harshad P. Bavkar i/b Adv. S. B. Shelar, Advocate for the Applicant.
Mr. Ashok Gawai, APP, for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th MARCH, 2025.

P.C. :

1. By this application, the Applicant is seeking suspension of sentence.
2. The Applicant has been convicted for the offence punishable under Section 354 of the Indian Penal Code, 1860 (for short “IPC”) vide Section 235(2) of the Cr.P.C. and sentenced to undergo Simple Imprisonment for the period of two years and to pay fine amount of Rs.2,000/-. The Applicant has been convicted for the offence punishable under Section 354(iv) of the Indian Penal Code, 1860 (for short “IPC”) vide Section 235(2) of the Cr.P.C. and sentenced to undergo Simple

Imprisonment for the period of one year and to pay fine amount of Rs.1,000/-. The Applicant has been convicted for the offence punishable under Section 294 of the Indian Penal Code, 1860 (for short “IPC”) vide Section 235(2) of the Cr.P.C. and sentenced to undergo Simple Imprisonment for the period of three months and to pay fine amount of Rs.1,000/-. The Applicant has been convicted for the offence punishable under Section 8 of the of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO ACT”) vide Section 235(2) of the Cr.P.C. and sentenced to undergo Simple Imprisonment for the period of three years and to pay fine amount of Rs.3,000/-. The Applicant has been convicted for the offence punishable under Section 12 of the of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO ACT”) vide Section 235(2) of the Cr.P.C. and sentenced to undergo Simple Imprisonment for the period of three years and to pay fine amount of Rs.3,000/-.

3. It is contention of learned counsel for the Applicant that the trial Court has granted bail and suspended his sentence. During the trial, the Applicant was on bail. Hence, requested to allow the application.

4. The learned APP for the Respondent – State strongly

objected to allow the application.

5. I have heard both learned counsel.

6. Considering the submission of both learned counsel as well as sentence imposed on the Applicant is short term sentence. The trial Court has granted bail to the Applicant and suspended his sentence. During the trial, the Applicant was on bail. It may take time to dispose of the appeal.

7. In view of the above, the Applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the appeal, and I pass following order:-

ORDER

i. The Applicant be enlarged on bail on furnishing P.R.

Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

ii. The bail bond to be furnished before the trial Court.

Interim Application stands disposed of.

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

(SHIVKUMAR DIGE, J.)