

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

**INTERIM APPLICATION NO. 4397 OF 2024
IN
CRIMINAL APPEAL NO. 1150 OF 2024**

Shafiq @ Shafi Shafur Shaikh

...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondents

Ms. Snigdha Khandelwal, a/w Mr. Ali Kaashif Khan Deshmukh, Mr. Farid Shaikh, Mr. Rajiv Sone, Mr. Abrar Burondkar, Advocate for the Applicant.

Ms. Ranjana Humane, APP for the Respondent/State.

Mr. Nikhil Maneshinde, Advocate for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 22.08.2025.

P.C. :

1. By this application the applicant is seeking suspension of sentence and grant of bail during the pendency of the Criminal Appeal No. 1150 of 2024 filed by him against the judgment and order dated 19.08.2024 passed by the Additional Sessions Judge, Pune, in Special Case No. 16 of 2021, by which the learned Additional Sessions Judge has convicted the applicant for the offence punishable under Section 354-A of the Indian Penal Code and Section 10 of the Protection of Children from Sexual Offences

Act (POCSO Act) and sentenced him to suffer rigorous imprisonment for five years.

2. I have heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the respondent No.2-victim.

3. The learned counsel for the applicant submits that the applicant has good case on merits as the trial Court has convicted the applicant, though the prosecution has not examined material witnesses. It is submitted that during the trial the applicant was on bail. The learned counsel submits that this Court has already admitted the appeal and it is not likely to be taken up for hearing in near future. It is thus submitted that the sentence be suspended and the applicant be released on bail.

4. On the other hand, the learned APP for the respondent-State and learned counsel for the respondent No.2-victim submit that the evidence of victim in cases of such nature needs no corroboration. It is submitted that the trial Court has thus rightly convicted the applicant on the basis of evidence of the victim. It

is submitted that considering the nature of conviction, the sentence may not be suspended.

5. The fact that applicant was on bail during the trial is not disputed. This Court by order dated 12.02.2025, has already admitted the appeal. Considering the pendency of the criminal appeals in this Court, the present appeal is not likely to be taken up for final hearing in near future.

6. Considering the overall facts and circumstances, I am inclined to suspend the sentence and release the applicant on bail. In the result, the following order is passed:

ORDER

a] The Application is allowed.

b] The substantive sentence imposed by the trial Court upon the applicant is hereby suspended and the Applicant be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/-

(Rupees Twenty Five Thousand) with one or two sureties in the like amount.

c] The Applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, during the pendency of the present appeal.

[N.R.BORKAR, J.]