

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1911 OF 2025
IN
CRIMINAL APPEAL NO. 463 OF 2025**

Vakil Atik Ahmad Attarwala

...Applicant

V/s.

The State of Maharashtra and anr.

...Respondents

Mr. Mahesh Vishwakarma a/w Ms. Gauri Bandre, i/b Ms. Naina Sharma, Advocate for the Applicant.

Ms. R. D. Humane, APP for the Respondent-State.

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

CORAM : N.R. BORKAR, J.
DATE : 25.08.2025.

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. 463 of 2025 filed by him against the judgment and order dated 25.03.2025 passed by the Designated Judge under the Protection of Children from Sexual Offences Act for Greater Bombay in POCSO case No. 494 of 2021 by which the Designated Judge has convicted the applicant for offence punishable under Sections 375(a)(c)&(d), 376(2)(f),(k),(n) and 506 of the Indian Penal Code and Sections 6, 8, 10 & 12 of the Protection of Children from Sexual Offences Act and sentenced him to suffer rigorous

imprisonment ranging from 2 to 6 years.

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

3. The learned counsel for the applicant submits that the applicant has already undergone a sentence of four and half years. The learned counsel for the applicant, on instructions, submits that the applicant has no objection if the victims are permitted to withdraw the amount of compensation.

4. On the other hand, the learned APP for the respondent-State and the learned counsel for the respondent No.2 submit that the applicant, who is the father of the victims, is convicted for serious offence of sexual assault. It is submitted that considering the nature of offence, the sentence may not be suspended and the applicant may not be released on bail.

5. The fact that the applicant has already undergone a sentence of four and half years is not disputed. Considering the pendency of the criminal appeals, the appeal filed by the applicant is not likely to be taken up for final hearing.

6. Considering the above facts, 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 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 not enter into the jurisdiction of Byculla police station during the pendency of the present appeal.
- d] The victims are permitted to withdraw the amount of compensation.
- e] The Application is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]