

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1369 OF 2019
IN
CRIMINAL APPEAL NO.1119 OF 2019

Iqbal Shabir Ahmed Sarang	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Shantanu Phanse i/by Mr.Akram Kapoor, Advocate for applicant.
Mr.Kunal Rane with Mr.Rohan Deshmukh, Shweta Tandel, Advocate
for respondent no.2.
Mr.Arfa Sait, APP, for State.
PSI M.A.Rasal, Kurla Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th February 2022

PC :

1. This is an application for suspension of sentence and grant of bail pending Criminal Appeal No.1119 of 2019.
2. The applicant has been convicted for offences punishable under Section 12 of POCSO Act and under Section 506 of Indian Penal Code. For the offence u/s.6 of POCSO act he is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-. For the offence u/s.506 of IPC, he has been sentenced to suffer rigorous imprisonment for one year and pay fine of Rs.5,000/-.
3. The applicant was on bail during trial. He has been convicted vide judgment and order dated 15th July 2019 by learned Special Judge, Greater Bombay in POCSO Special Case No.213 of 2015. On

the date of conviction the sentence was suspended by Trial Court to enable the applicant to prefer appeal. This Court vide order dated 16th September 2019 continued interim relief which has been in operation.

4. Learned counsel for respondent no.2 (father of victim) has filed affidavit-in-reply stating that the victim is required to travel alone for attending her work. There is likelihood that the applicant may cause harm to the victim. Hence some protection may be granted to the victim.

5. Learned counsel for applicant submit that incident is of the year 2014 and the applicant has been convicted in 2019. No untoward incident had occurred in the mean time. The applicant has not misused the facility of bail. However, considering the apprehension of victim and her father, some conditions may be imposed upon applicant while suspending sentence of imprisonment.

ORDER

- (i) Criminal Application is allowed and disposed of;
- (ii) The sentence of imprisonment imposed vide judgment and order dated 15th July 2019 by learned Special Judge, Greater Bombay in POCSO Special Case No.213 of 2015 is suspended and applicant is directed to be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for ten weeks in lieu of sureties;
- (iv) The applicant shall not visit the vicinity of residence of respondent no.2 and/or work place. He shall not cause any harassment to her;

- (v) The applicant shall not contact the victim in any manner;
- (vi) The applicant shall attend Trial Court once in six months on First Saturday of the month till disposal of the Criminal Appeal;
- (vii) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (viii) In the event of default committed by the applicant in attending the Trial Court or breach of conditions of this order, the prosecution/complainant/victim will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST