

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO. 46 OF 2022

Mr. Ganesh S/o Sudhakar Talmale

...Versus...

State of Maharashtra, Through the P.S.O., P.S. Desaiganj, Tah. Desaiganj, Distt.
Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri R.R. Vyas, Advocate for appellant
Ms T.H. Udeshi, A.P.P for respondent/State

CORAM : SURENDRA P. TAVADE, J.

DATE : 28/01/2022

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. **Admit.**

4. Call for record and proceeding in Sessions Case No. 51/2016 from the trial Court.

5. Issue notice to respondent.

6. Learned A.P.P. waives service of notice on behalf of respondent/State.

CRIMINAL APPLICATION (APPA)NO. 72/2022

This is an application for suspension of sentence and grant of bail. The applicant was held guilty for the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer R.I. for two years and to pay a fine of Rs. 3000/-, in default he is directed to suffer S.I. for 15 days. He

is also held guilty for the offence punishable under Section 452 of the Indian Penal Code and sentenced to suffer R.I. for two years and to pay a fine of Rs.5000/-, in default he is directed to undergo S.I. for 15 days. It is contended that during the trial the applicant was on bail. Similarly, after conviction the applicant has been released on bail for a period of one month. The said period expired on 22/01/2022.

2. Heard the learned Counsel for the applicant and learned A.P.P. on behalf of State. The applicant is held guilty for offences punishable under Sections 324 and 452 of the Indian Penal Code. He was on bail during the pendency of trial. There are no allegations of the abuse of liberty granted to him during the pendency of trial. This appeal may take some time. The appeal may not come for trial within the period. Therefore, the applicant is entitled for bail. Hence, I pass the following order.

(i) Application is allowed.

(ii) The sentence imposed upon the applicant is hereby suspended.

(iii) The applicant- Ganesh Sudhakar Talmale, in Crime No. 14/2016, registered with Desai Ganj Police Station, he is ordered to be released on his executing P.R. Bond of Rs. 15,000/- with one surety in the like amount with a condition to attend the hearing of this appeal regularly.

(SURENDRA P. TAVADE, J.)