

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

CRIMINAL APPEAL NO.189 OF 2022

Atul s/o Bhimrao Walke (In jail)

Versus

The State of Maharashtra, through P.S.O., P.S. Beltarodi, Nagpur.

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

Court's or Judge's Order

Shri C.B.Barve, Advocate for the Appellant.

Shri S.A.Ashirgade, APP for the State/Respondent.

CORAM : ANIL S. KILOR, J.

DATED : 01st APRIL, 2022.

1. Heard.
2. **Admit.**
3. Call for record and proceedings.
4. Shri S.A. Ashirgade, learned A.P.P. waives service of notice for the Respondent/State.

CRIMINAL APPLICATION (APPA) NO. 236/2022

1. This is an application for suspension of sentence and for grant of bail.
2. The applicant has been convicted for the offence punishable under Section 420 of the Indian Penal Code and

sentenced to suffer rigorous imprisonment for a period of five years and to pay fine of Rs.5,000/- and in default to suffer simple imprisonment for six months.

3. Having gone through the findings recorded by the learned Sessions Court while convicting the appellant/applicant and on perusal of the oral evidence, I am of the opinion that in this case re-appreciation and reappraisal of the evidence is necessary. Moreover, as there is no likelihood that this matter would come up for hearing in near future, the present application needs to be allowed. Hence, I pass the following order:

- i) The substantive sentence imposed by the learned Additional Session Judge-6, Nagpur in Session Trial No. 319/2021 vide judgment dated 22/03/2022, is suspended till disposal of the appeal;
- ii) The appellant/ applicant shall be released on bail on executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

The Criminal Application is **disposed** of, accordingly.

[JUDGE]