

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

CRIMINAL APPEAL NO.242/2022

AND

CRIMINAL APPLICATION (APPA) NO. 307/2022

AND

CRIMINAL APPLICATION (APPA) NO. 308/2022

Anil s/o Sukhdevrao Bonde Vs State of Maha., thr. P.S.O., PS Warud, Tq. Warud
Dist. Amravati.

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

Court's or Judge's Order

Shri Mardikar, Sr. Counsel a/b Shri Ved R. Deshpande, for the
Appellant/Applicant.

Ms Jachak, APP for the Respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/04/2022.

Heard.

Admit.

Call for record and proceedings.

Ms Jachak, learned APP waives notice for
Respondent/State.

CRIMINAL APPLICATION (APPA) NO. 307/2022

1. This is an application filed under Section 389 of the
Code of Criminal Procedure for suspension of sentence and for
grant of bail.

2. The learned Additional Sessions Judge, Amravati, vide its judgment and order dated 05/04/2022, passed in Sessions Case No.108/2020, convicted the applicant for the offences punishable under Sections 332, 353 and 506 of the Indian Penal Code.

The applicant is sentenced to suffer simple imprisonment for three months and to pay fine of Rs. 10,000/-, in default, to suffer simple imprisonment for one month. No separate sentence is being passed with reference to the offence punishable u/s 353 of the Indian Penal Code.

The applicant is also sentenced to suffer simple imprisonment for one month and to pay fine of Rs. 10,000/-, in default, to suffer simple imprisonment for one month.

3. Learned counsel for the applicant submits that he has very good case on merit and there is every likelihood that he would succeed in the present matter.

4. On the other hand, learned APP opposes the present application.

5. I have perused the impugned judgment and findings recorded by the learned trial Court, 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] Criminal application is **allowed**.
- ii] The substantive sentence imposed by the learned Additional Sessions Judge, Amravati in Sessions Case No. 108/2020, vide judgment and order dated 05/04/2022, is suspended till disposal of the appeal;
- iii] The applicant shall be released on bail on executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

CRIMINAL APPLICATION (APPA) NO. 308/2022

Issue notice to the non-applicant, returnable after **Vacation**.

Ms Jachak, learned APP waives notice for Non-applicant/State.

[JUDGE]

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Signed By: RAJESH K
NANDURKAR

Signing Date: 22.04.2022 10:36