

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

CRIMINAL APPEAL NO.237/2022

IN

CRIMINAL APPLICATION (APPA) NO. 298/2022

Nilesh Pramod Katole Vs State of Maha., thr. P.S.O., PS Akot city, Tah. Akot, Dist. Akola.

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

Court's or Judge's Order

Shri S.V.Sirpurkar, counsel for the Appellant/Applicant.

Shri S.D.Sirpurkar, APP for the Respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 19/04/2022.

Heard.

Admit.

Call for record and proceedings.

Shri S.D.Sirpurkar, learned APP waives notice for
respondent /State.

CRIMINAL APPLICATION (APPA) NO. 298/2022

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, Akot, Dist. Akola, vide its judgment and order dated 21/03/2022, passed in

Sessions Case No. 19/2019, convicted the applicant for the offence punishable under Section 353 of the Indian Penal Code and sentenced to suffer simple imprisonment for a term of six months and pay a fine of Rs. 5000/-, and in default to suffer simple imprisonment for two months.

3. Learned counsel for the applicant has pointed out that the applicant was on bail during the trial. He has further submitted 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, Akot, Dist. Akola in Sessions Case

No. 19/2019, vide judgment dated 21/03/2022, 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.

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

[JUDGE]

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