

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

CRIMINAL APPLICATION (APPA) NO.313 OF 2022
IN
CRIMINAL APPEAL NO.248 OF 2022

NILESH CHANDRASHEKHAR NAKHATE
VS
THE STATE OF MAHARASHTRA, THR. PSO, POLICE STATION GADGE
NAGAR, AMRAVTI, 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 M.N. Ali, Advocate for the appellant/applicant
Shri S.D. Sirpurkar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 22nd April, 2022.

Heard.

2. **Admit.**

3. Shri Sirpurkar learned APP waives service of notice on behalf of respondent/State.

4. Call for the record and proceedings.

Criminal Application (APPA) No. 313 of 2022

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

6. The applicant has filed appeal against conviction challenging the judgment and order dated 01.04.2022 passed by the learned Additional Sessions Judge, Amravati in Sessions Trial No.32 of 2018, convicting the applicant for the offence punishable under Section 307 of Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.10,000/-, in default to suffer further simple imprisonment for six months.

7. I have perused the findings recorded by the learned Additional Sessions Judge, Amravati in the impugned judgment and order and thereupon, I am of the opinion that applicant is having arguable case and re-appreciation and reappraisal of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Additional Sessions Judge, Amravati in Sessions Trial

No.32 of 2018 vide judgment and order dated 01.04.2022, is suspended till disposal of the appeal.

iii. The applicant/appellant shall be released on bail on his executing P.R.Bond of Rs.15,000/- with one solvent surety in the like amount.

iv. The applicant shall attend the concerned police station as and when his presence is required.

[JUDGE]