

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

**Criminal Application (APPR) No. 254 of 2022
in
Criminal Revision Application No. 185 of 2022**

Narendra S/o Balkrushna Gondane

Versus

State of Maharashtra, through Police Station Officer, Tiosa

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, Advocate for the applicants.

Mrs. Mrunal Barabde, APP for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 12th OCTOBER, 2022.

This is an application filed under Section 389 of Code of Criminal Procedure for suspension of sentence and grant of bail. The applicant has filed appeal against conviction challenging the judgment and order dated 4th January, 2019 passed by the learned Judicial Magistrate First Class, Tiosa in Regular Criminal Case No. 71 of 2016, convicting the appellant for the offence punishable under Section 451 of Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.500/-,

in default of payment of fine accused to suffer rigorous imprisonment for 15 days. He is further sentenced to suffer rigorous imprisonment for two years for the offence punishable under Section 354-A of Indian Penal Code and to pay fine of Rs.1000/- in default of payment of fine accused to suffer rigorous imprisonment for one month. The learned Additional Sessions Judge-7, Amravati upheld the judgment of the trial Court vide order dated 2nd August, 2022 in Criminal Appeal No. 13 of 2019.

2. Shri Kariya, learned counsel for the applicant submits that he was on bail during the trial. He further submits that there is no complaint of misuse of liberty granted to the applicant. He further submits that he is having a very good case on merit and there is every likelihood that he would succeed in the present appeal.

3. On the other hand Shri Kadukar, learned Additional Public Prosecutor opposes the present application.

4. I have perused the findings recorded by the learned Judicial Magistrate First Class, Tiosa as well as learned Additional Sessions Judge, Amravati in the impugned judgment and order and thereupon, I am of

the opinion that appellant is having arguable case and re-appreciation of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. There is one more reason to allow this application is that appellant was on bail during the trial. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed.
- ii. The ad-interim suspension order dated 10th August, 2022, is hereby confirmed, till disposal of the revision application.
- iii. Bail as in the trial Court with fresh bonds.

[ANIL S. KILOR, J.]

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