

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

CRIMINAL APPEAL NO.635/2022

Akshay s/o Sudhir Nandeshwar

Vs.

The State of Maharashtra, through P.S.O. P.S. Sadar, Dist. Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.A. Thakur, Advocate for appellant
Shri I.J. Damle, APP for respondent/State

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 29/09/2022

Heard.

2. **Admit.**
3. Call for the record and proceeding.
4. Learned Additional Public Prosecutor waives notice for respondent/State.

CRIMINAL APPLICATION (APPA) NO. 829/2022

The present application is filed by appellant for suspension of sentence and for grant of bail against the judgment and order dated 05/09/2022 in Sessions Case No.348/2019 by which he was convicted for the offences punishable under Section 307 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for five years and to a pay fine of Rs.5000/-, in default to suffer simple imprisonment for seven days.

2. The learned Additional Public Prosecutor

vehemently opposed the application. He has drawn my attention to the chart annexed to the reply wherein applicant is involved in criminal activities under the Prohibition Act. In all the matters, the accused is released on bail. He was also released on bail during the trial.

3. In view of the pendency of old matters the matter cannot be taken up on priority and further considering the amount of sentence, it would be appropriate to suspend the execution of substantive sentence. Apprehension of the State, has also to be taken care of and therefore, I am inclined to impose stringent conditions on the accused. Hence, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The execution of substantive sentence passed by the learned Additional Sessions Judge, Nagpur in Sessions Case No.348/2019 dated 05/09/2022 is hereby suspended.
- iii) The applicant- Akshay s/o Sudhir Nandeshwar be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five thousand only) with one solvent surety in the like amount to the satisfaction of learned Additional Sessions Judge, Nagpur.
- iv) The applicant shall not enter into the

jurisdiction of Sadar Police Station, Nagpur except for attendance to the Sadar Police Station, Nagpur.

v) The applicant is directed to attend Sadar Police Station, Nagpur on 1st date of each month between 11.00 a.m. to 05.00 p.m.

vi) The applicant shall not involve in any criminal activities in future. If there is any breach of the condition of bail, that would be a reason for prosecution to apply for cancellation of bail.

4. The application stands disposed of accordingly.

JUDGE

R.S. Sahare