



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.3935 OF 2023

CRIMINAL APPEAL NO.1192 OF 2023

Mr. Nitin Prakash Warke	...	Applicant
Versus		
The State of Maharashtra		
(At the instance of Pen Police		
Station Dist. Raigad)	...	Respondent

Mr. Prashant P. Raul for the Applicant.

Mrs. M.H. Mhatre, APP for the Respondent-State.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 2 NOVEMBER 2023

P.C.

. This is an application for suspension of sentence and grant of bail during the pendency of the Criminal Appeal preferred by the Applicant challenging the judgment and conviction.

2 Applicant is convicted by Additional Sessions Judge, Raigad-Alibag in Sessions Case No.23 of 2021 under Section 235 (2) of the Code of Criminal Procedure, 1973 for the offence under Section 307 of Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.10,000/-.

3 Heard learned Counsel for the Applicant and learned APP for Respondent-State.

4 Perused the record. Admittedly, the sentence is a short term sentence and the appeal preferred by the Applicant/Appellant is not likely to be heard in near future. Learned APP for Respondent-State has confirmed the fact that only one offence was registered against the Applicant and he is acquitted in the said case. No exceptional circumstances are there on record to deny relief to the Applicant. In the light of decision of the Apex Court in the case of **Bhagwan Rama Shinde Gosai and Ors. Vs. State of Gujrat**¹, the Applicant deserves to be released on bail. Hence, the following Order :

- (i) Interim Applications are allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 31st July 2023 in Sessions Case No.23 of 2021 is suspended during the pendency of the Appeal.
- (iii) Applicant – Nitin Prakash Warke be released on bail on executing PR bond in the sum of Rs.15,000/-

¹(1999) SCC (Cri.) 553

with one surety in the like amount.

- (iv) Applicant-Nitin Prakash Warke shall attend the concerned Police Station once in a month on first Sunday between 10.00 to 12.00 noon., until further orders.
- (v) Applicant shall furnish his permanent address as well as present address to the trial Court along with copies of his Aadhar Card and Cell number/s.

(NITIN B. SURYAWANSHI, J.)