

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

**CRIMINAL APPLICATION (APPA) NO.420 OF 2023**

**IN**  
**CRIMINAL APPEAL NO.254 OF 2023**

Mr. Shubham @ Gopal @ Gopya Prakash Waghurde

Vs.

The State of Maharashtra through Police Station Officer, Police Station, Dhad, District  
Buldana

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

Court's or Judge's orders

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Mr. P. J. Vairagade, Counsel h/f Mr. Bhushan Dafle, Advocate for applicant.  
Mr. A. M. Kadukar, APP for respondent/State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 08/06/2023**

1. By preferring this application, the applicant/accused is seeking suspension of sentence and to release him on bail.

2. The applicant/accused was prosecuted for the offence punishable under Section 307, 341, 294, 324, 323, 504 and 506 of the Indian Penal Code. After appreciation of the evidence, learned trial Court held him guilty for the offence charged and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.2,000/- for the offence punishable under Section 307 of the Indian Penal Code, simple imprisonment for a period of two months and to pay fine of Rs.500/- for the offence punishable under Section 294 of the Indian Penal

Code, rigorous imprisonment for a period of one year and to pay fine of Rs.500/- for the offence punishable under Section 504 of the Indian Penal Code as well as the applicant/accused was also convicted for the offence punishable under Section 506, 324 and 323 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a period of one year each and to pay fine of Rs.500/-.

3. Learned Counsel for the applicant submitted that through out the trial the applicant/accused was on bail and he has not misused his liberty, during the trial. Now appeal will take its own time for final decision. In the meanwhile, if sentenced is executed the appeal will become infructuous. The applicant/accused is permanent resident of Dhad, Taluka District Buldhana and will abide by all the conditions imposed by this Court.

4. The said application is strongly opposed by the State on the ground that if applicant/accused is released on bail, he will not be available for execution of sentence, if appeal is decided against the applicant/accused.

5. Heard both sides. Perused the impugned Judgment. The appeal will take its own time for final decision. In the meanwhile, if the sentence is executed

the appeal will become infructuous. Moreover, it is apparent that applicant has not misused his liberty, during the trial, when he was on bail. In view of that application deserves to be allowed. Hence, I proceed to pass following order.

**ORDER**

(i) Criminal Application is allowed.

(ii) The execution of the sentence is hereby suspended.

(iii) The applicant/accused is released on bail on furnishing PR bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

(iv) The applicant/accused shall record his presence before the trial Court on 5<sup>th</sup> of every month and trial Court shall record his presence.

(v) The applicant/accused shall furnish his mobile/phone number, along with his address with address proof, before the trial Court.

6. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**