

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.460 OF 2023
IN
CRIMINAL APPEAL NO.277 OF 2023

(Sanket @ Saurabh s/o Haridas Sangole Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.R. Borkar, Advocate for the applicant.
Shri I.J. Damle, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 07, 2023.

Heard.

2. By this application, the appellant is seeking suspension of sentence and to release him on bail. The appellant-accused was prosecuted of the offence punishable under Sections 326 and 353 of the Indian Penal Code and Sections 7 and 4 read with Section 25(1-A) of the Arms Act and Section 37(1)(a) read with Section 135(i) of the Maharashtra Police Act, 1951. The appellant-accused is convicted by the Court of the offence punishable under Section 326 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.5000/- in default further rigorous imprisonment of five months, for the offence punishable under Section 353 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a term of three years and to pay fine of Rs.3000/- in default further rigorous imprisonment of three months, for the

offence punishable under Sections 7 and 4 read with Section 25(1-A) of the Arms Act and sentenced to suffer rigorous imprisonment for a term of five years and to pay fine of Rs.5000/- in default further rigorous imprisonment of five months and for the offence punishable under Section 37(1)(a) read with Section 135(i) of the Maharashtra Police Act and to suffer rigorous imprisonment for a term of one year and to pay fine of Rs.1000/- in default further rigorous imprisonment of one month.

3. Being aggrieved and dissatisfied with the judgment and order of sentence, present appeal is preferred by the appellant on the ground that the learned trial Court has not considered the evidence in proper perspective and erroneously convicted the present appellant. In fact, recovery of the alleged knife is not at all proved by the prosecution. The evidence of the prosecution witnesses is also not cogent and not reliable. However, learned trial Court held the present appellant guilty which is erroneous. The appellant has every chance of success in the present appeal, but it will take its own time for its final decision. In the meantime, if the sentence is executed the appeal of the appellant will become infructuous and prayed for suspension of sentence and for releasing him on bail.

4. Said application is strongly opposed by the State on the ground that if the appellant is released on bail it will be difficult to secure his presence at the time of

disposal of the appeal to execute the sentence.

5. Heard both the sides and perused the record.

6. After going through the record it is apparent that throughout the trial the appellant was on bail and he has not misused his liberty when he was on bail. The accused-appellant is not convicted with imprisonment of 10 years or more. He is permanent resident of village Mangsa, Taluka Saoner, District Nagpur.

7. Considering that there is no likelihood of disposal of the appeal in near future. The appellant deserves to be released on bail. In view of that I proceed to pass the following order :

(i) The execution of the sentence is hereby suspended and the appellant – Sanket @ Saurabh s/o Haridas Sangole is hereby released on bail on executing P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one surety in the like amount.

(ii) The appellant shall attend the Court of Additional Sessions Judge-12, Nagpur on first day of every month and trial Court shall record his presence regularly.

(ii) The appellant shall furnish his cell phone number and his address along with the address proof before the Sessions Court.

8. The application is disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)