

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

**CRIMINAL APPLICATION (APPA) NO.486 OF 2023
IN
CRIMINAL APPEAL NO.300 OF 2023**

(Amol @ Amar Devkisan Kamble 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 S.D. Dharaskar, Advocate for the applicant.
Shri Khan, 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 releasing him on bail. The appellant-accused was prosecuted of the offence punishable under Sections 353, 332, 186, 427 and 294 of the Indian Penal Code and Sections 110, 112 read with Section 117 of the Maharashtra Police Act, 1951. After recording the evidence and after appreciating the evidence, the trial Court came to the conclusion that the appellant-accused is guilty for an offence punishable under Sections 353, 332 and 294 of the Indian Penal Code and under Section 110 read with Section 117 of the Maharashtra Police Act and sentenced to suffer imprisonment for a period of one year and to pay fine of Rs.1000/- in default to undergo rigorous imprisonment for a period of one month of the offence punishable under

Section 353. The appellant-accused is further convicted of the offence punishable under Section 332 of the IPC and sentenced to suffer rigorous imprisonment for a period of one year and to pay fine of Rs.500/-, he is further convicted and sentenced to suffer of the offence punishable under Section 294 and sentenced to suffer rigorous imprisonment for a period of three months and to pay fine of Rs.500/- as well as he is directed to pay fine of Rs.500/- for the offence punishable under Section 110 read with Section 117 of the Maharashtra Police Act.

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 appreciated the evidence and wrongly relied upon the untrustworthy evidence of the prosecution witnesses. The appellant has every chance of success in the present appeal, however it will take its own time for its final decision and prayed for suspension of sentence and 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 execution of the sentence.

5. Heard both the sides and perused the record.

6. The appellant is not convicted with the imprisonment of 10 years or more only maximum

imprisonment of one year is awarded. The appellant has filed an affidavit to show that during the trial he was on bail and he has not misused the liberty.

7. Considering the grounds mentioned in the appeal and the appeal will not be disposed in near future, the execution of the sentence is hereby suspended and the appellant – Amol @ Amar Devkisan Kamble is hereby released on bail on executing PR. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one surety in the like amount.

8. The appellant shall furnish his cell phone number and address along with the address proof before the trial Court.

9. The application is disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*