

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

CRIMINAL APPLICATION NO.625 OF 2023

IN

CRIMINAL APPEAL NO.397 OF 2023

(Aman s/o Madhorav Khandekar 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.S. Mishra, Advocate for the appellant.
Shri I.J. Damle, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 15, 2023.

Heard.

2. The application is for seeking suspension of sentence and for releasing the appellant on bail.

3. The appellant was prosecuted for the offence punishable under Sections 353, 504 and 506 of the Indian Penal Code and the Trial Court has held him guilty and sentenced to suffer one year rigorous imprisonment and fine of Rs.1000/- in default simple imprisonment for one month.

4. The appellant has challenged the said judgment and order of sentence on the ground that the learned trial Court has not appreciated the evidence in proper perspective however, the appeal will take its own time for its final decision, and therefore, sentence be suspended and the appellant be released on bail.

5. Said application is strongly opposed by the State.

6. Heard both the sides and perused the impugned judgment.

7. Considering that the appeal will take its own time for its final decision and if the sentence is executed then appeal will become infructuous. The appellant was already on bail during the trial and he has not misused the liberty. The application deserves to be allowed. Hence I pass the following order by imposing certain conditions.

(i) The application is allowed.

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

(iii) The appellant - Aman s/o Madhorav Khandekar is released on bail on executing PR. Bond in the sum of 15,000/- (Rs. Fifteen thousand) with one surety in the like amount.

(iv) The appellant shall furnish his cell phone number and detail address along with address proof and the names of two closed relatives and address with their address proof.

8. The appellant to furnish the copy of the appeal memo to the respondent along with all the relevant documents.

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Heard.

2. **ADMIT.**
3. Learned Additional Public Prosecutor waives notice for the State.
4. Call for R. & P.
5. The appeal be placed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)

**Divya*