

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

CRIMINAL APPLICATION (APPA) NO.818 OF 2023 IN
CRIMINAL APPEAL NO.509 OF 2023

Jitendra alias Appa Prabhakar Gedam Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri A.V. Band, Advocate for applicant.
Shri S.M. Ghodeswar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JULY 27, 2023.

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

2. The appellant has prosecuted for the offence punishable under Sections 186, 353, 427, 504 and 506 of the Indian Penal Code. After appreciating evidence the learned trial Court held him guilty under Section 504 and sentenced to suffer simple imprisonment for one year and under Section 186 sentenced to suffer simple imprisonment for one and half month.

3. As per contention of the appellant, the trial Court has not considered the evidence in proper perspective. The appeal will take its own time for its final decision. In the meantime, if the sentence is executed then this appeal will become infructuous and prayed for suspension of sentence and grant of bail.

4. Learned APP by waving notice strongly opposed the application on the ground that the learned trial Court has rightly appreciated the evidence and prayed for rejection of the application.

5. Having heard the learned counsel for the appellant and learned APP and perused the impugned judgment, it appears that the appellant has made out arguable points in the present appeal and the appellant has every chance to succeed in the appeal. The appeal will take its own time for final decision, in the meantime, if the sentence is executed then the appeal will become infructuous. In view of that, I proceed to pass the following order:

ORDER

- i. The application is allowed.
- ii. The execution of sentence awarded by the Additional Sessions Judge, Amravati in Sessions Case no.2/2019 dated 10.07.2023 is hereby suspended pending appeal.
- iii. The appellant be released on bail furnishing PR bond in the sum of ₹15,000/- with one surety of like amount.
- iv. The appellant shall furnish his cellphone number and his address with address proof.

With this, the application is disposed of.

CRIMINAL APPEAL NO.509 OF 2023

Heard.

2. **Admit.**
3. Call for record and proceedings.
4. Learned APP waives notice of hearing for respondent/
State.
5. Appeal be placed before the Court after preparation of
paper book.

JUDGE

Wagh