



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

CRIMINAL APPEAL NO. 712 OF 2023

Roshan S/o. Sukhdeo Dongare .Vs. The State of Maharashtra, Through PSO, PS Kotwali, Nagpur

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

Mr Lubesh Meshram, Counsel for the appellants
Ms Sneha Dhote, APP for the State

CORAM : SHIVKUMAR DIGE, J.
DATE : NOVEMBER 06, 2023

1. Heard.
2. Issue notice to the respondent, returnable on
07.12.2023.
3. Learned APP waives service of notice on behalf
of respondent/State.

CRIMINAL APPLICATION NO. 1153 OF 2023

4. Heard.
5. This is an application for grant of bail and
suspension of substantive sentence.
6. The appellant is convicted for the offence
punishable under Section 304 Part II of the Indian Penal
Code vide judgment and order dated 13.09.2023 passed
by learned Additional Sessions Judge, Nagpur and
sentenced to suffer rigorous imprisonment for three years

and to pay fine of Rs.5000/- for the above mentioned offence.

7. It is stated that during the pendency of the trial the appellant was on bail. There is no allegation of misuse of liberty by him during the pendency of the trial. It is pointed out that considering the quantum of substantive sentence the learned Additional Sessions Judge, Nagpur was pleased to suspend the substantive sentence. Learned Advocate for the appellant submits that the appellant has deposited the fine amount. In the fact and circumstances, the application is **allowed**.

8. The substantive sentence awarded by learned Additional Sessions Judge, Nagpur vide judgment and order dated 13.09.2023 shall remain suspended during the pendency of this appeal.

9. The appellant be released on bail on same terms and conditions as imposed by the learned Additional Sessions Judge, Nagpur at the time of suspension of sentence.

10. The application stands **disposed of**.

(SHIVKUMAR DIGE, J.)