



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2070 OF 2024
IN

CRIMINAL APPEAL NO.497 OF 2024

Pawan Nawal Mali

..Applicant

Versus

The State of Maharashtra

..Respondent

.....

Mr. Abhaysinh K. Bhosle, Advocate for Applicant

Mr. S. S. Dande, APP for Respondent / State

.....

CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : July 16, 2024

PER COURT :-

. This is the Application for suspension of substantive sentence awarded by learned Additional Sessions Judge, Amalner in Sessions Case No.96/2022 *vide* Judgment and order dated 01.04.2024 convicting the Applicant for the offence punishable under Section 201 r/w. Section 34 of the Indian Penal Code and sentencing him to suffer Rigorous Imprisonment for 5 (five) years with fine of Rs.1,000/- (Rs. One Thousand Only), in default to suffer Simple Imprisonment for 3 (three) months.

2. Learned Advocate for the Applicant submitted that since the Applicant is behind the bars for the last 1 ½ (one and half) years and co-accused similarly situated with the Applicant has been granted bail by

the Hon'ble Apex Court *vide* order dated 28.05.2024 in the Special Leave to Appeal (Crl.) No.7206 of 2024, the sentence of the Applicant be suspended.

3. Learned APP submitted that considering the nature of the offence committed by the Applicant, the Application be rejected.

4. In view of the above factual aspects, that the co-accused to whom similar term of sentence was awarded, has been granted bail by the Hon'ble Apex Court, we pass the following order.

ORDER

(i) The Application is allowed.

(ii) The substantive sentence imposed by the learned Additional Sessions Judge, Amalner in Sessions Case No.96/2022 *vide* Judgment and order dated 01.04.2024 on the Applicant - Pawan Nawal Mali, is suspended during the pendency of the Appeal.

(iii) Applicant be released on bail on furnishing P. R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only), with one surety in the like amount.

(iv) Bail before the Trial Court.

5. Criminal Application stands disposed of accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)