



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 32/2024 IN
CRIMINAL APPEAL NO. 776/2023

Sachin Gautam Bhagat V/s 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

Mr. A.S. Moon, counsel for the applicant/appellant.

Mrs. Sneha Dhote, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 31/01/2024.

1. Heard.
2. By preferring this application, the applicant/appellant is seeking suspension of sentence and releasing him on bail.
3. The applicant was prosecuted for the offence punishable under Section 353 read with Section 34 of the Indian Penal Code, 1860, and the learned Trial Court has convicted the applicant and sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs. 2000/- and in default to suffer simple imprisonment for 15 days. The fine amount is already paid.
4. Learned counsel for the applicant submitted that the learned trial Court has not appreciated the evidence. The applicant has every chance of success in the appeal, however, the appeal will take its own time for final decision.
5. Learned APP has strongly opposed the present application.

6. Considering the quantum of the sentence and the submission made by the learned counsel, admittedly, the appeal will take its own time for its final decision. The applicant has every chance of success in the present appeal. In the meantime, if the sentence is executed then the appeal will become infructuous.

7. In view of that, application for suspension of sentence is allowed. Accordingly, I proceed to pass following order :

- (i) The application is allowed.
- (ii) The execution of the sentence is hereby suspended till disposal of the appeal.
- (iii) The applicant be released on bail on executing P.R. Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount.

8. The application stands **disposed of**.

CRIMINAL APPEAL NO.776 OF 2023

- 1. Heard.
- 2. **ADMIT.**
- 3. Call for R. & P.
- 4. Learned APP waives service of notice for the State.
- 5. Place the appeal before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J.]