



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

CRIMINAL APPLICATION (APPA) NO. 34 OF 2024
IN
CRIMINAL APPEAL NO. 14 OF 2024

Bhagwantrao Ajabrao Deshmukh

..VS..

The State of Maharashtra through PSO, P.S. Murtizapur, Dist. Akola

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

Court's or Judge's orders

Mr. A.A. Mardikar, Advocate for appellant.
Mr. Nikhil Joshi, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : JANUARY 11, 2024

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By this application, the applicant is seeking suspension of sentence and releasing him on bail.

2. The appellant was prosecuted for the offence punishable under Sections 354-A, 285, 323, 436 of the Indian Penal Code. After appreciation of the evidence, the learned trial Court convicted the appellant for the offence punishable under Sections 354-A(1)(i & ii) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and pay fine of Rs.5,000/- in default, to suffer simple imprisonment for fifteen days and also for the offence punishable under Section 436 of the Indian Penal Code, sentenced to suffer rigorous

imprisonment for three years and pay fine of Rs.10,000/- in default, to suffer simple imprisonment for one month.

3. Learned Counsel for the appellant submitted that the learned trial Court has not appreciated the evidence in proper prospective. The appellant has every chance of success in the present appeal, but appeal will take its own time for its final decision. He has arguable points and if the sentence is executed, the appeal will become infructuous.

4. Learned APP strongly opposed the application on the ground that the appeal is devoid of merit and application is liable to be dismissed.

5. After hearing the learned Counsel for the appellant and after perusing the impugned judgment, the appellant has pointed out he has arguable points, but the appeal will take its own time for its final disposal and in the meantime if the sentence is executed, the appeal will become infructuous. In view of that the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order :

- (i) The application is allowed.
- (ii) The applicant/appellant is released on bail on executing PR. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- (iii) The execution of the sentence passed by Additional Sessions Judge, Akola in Sessions Case No.72/2016 on 15.12.2023 is suspended till disposal of the appeal.

The application is disposed of.

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Admit.

2. Call for record and proceedings.
3. The appeal be placed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)