



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

CRIMINAL APPLICATION NO.46 OF 2024

IN

CRIMINAL APPEAL NO.19 OF 2024

(Tikeshwar s/o Atmaram Shahu Vs. The 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. L.B. Khergade, Advocate for the applicant.
Ms M.H. Deshmukh, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 17, 2024.

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

2. The appellant was chargesheeted of the offence punishable under Sections 379, 411 and 413 read with Section 34 of the Indian Penal Code and pleaded to sentence the present appellant to suffer three years imprisonment for offence punishable under Section 379 and fine of Rs.5000/- and three years imprisonment for the offence punishable under Section 411 read with Section 34 of the IPC and fine of Rs.5000/- in default to further undergo imprisonment for six months.

3. Fine amount is already deposited by the appellant.

4. Learned Counsel for the appellant submitted that the learned trial Court has not considered the

involvement of the accused person is only on the basis of suspicion. The appellant has every chance of success in the present appeal however, it will take its own time for its final decision. In the meanwhile, if sentence is executed, the purpose of preferring the appeal will frustrate.

5. In view of the submission and after going through the impugned judgment, the appellant has made out the arguable points however, the appeal will take its own time for its final decision. Considering the same the execution of the sentence deserves to be suspended. Accordingly, I proceed to pass following order :

- (i) The application is allowed.
- (ii) The execution of the sentence is hereby suspended till final disposal of the appeal.
- (iii) The appellant be released on bail on executing PR. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety in the like amount.
- (iv) The applicant shall furnish his Cell-phone number and address along with address proof before the trial Court.

6. The application stands disposed of.

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Heard.

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

(URMILA JOSHI-PHALKE, J.)

**Divya*