



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

CRIMINAL APPLICATION (APPA) NO.134 OF 2024
IN
CRIMINAL APPEAL NO.68 OF 2024

Yogiraj @ Narayan Natthuji Nehare

Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,
Jalalkeda District Nagpur

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

Court's or Judge's orders

Mr. A. Y. Sharma, Advocate for applicant.
Mr. S. S. Hulke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/02/2024

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

2. The applicant is prosecuted for the offence punishable under Sections 186, 353, 332, 504 and 506 of the Indian Penal Code. After appreciation of the evidence, the learned trial Court was pleased to convict the applicant by imposing the sentence for the offence punishable under Sections 353 and 332 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.10,000/- on each count and in default to suffer rigorous imprisonment for six months. Being aggrieved and dissatisfied with the same, the present appeal is preferred by the applicant on the ground

that learned trial Court has not appreciated the evidence in proper perspective. The appellant has every chance of success in the present appeal, but it would takes own time for final decision. In the meanwhile, if the sentence is executed the appeal will become infructuous.

3. Learned APP strongly opposed the application on the ground that there is no merit in the appeal, and therefore, the application for suspension of sentence deserves to be rejected.

4. After hearing both the sides and on perusal of the judgment it reveals that, the appellant has pointed out various arguable points show that he has chance of success in the present appeal. Appeal will taken its own time for final decision. In the meanwhile, if sentence is executed, the appeal will become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The execution of the sentence passed in Sessions Case No.630/2019 decided on 15.01.2024 is suspended, till disposal of the appeal.

(iii) The applicant **Yogiraj @ Narayan Natthuji Nehare** be released on bail on

executing PR bond in the sum of Rs.25,000/-
with one solvent surety in the like amount.

The application is disposed of.

CRIMINAL APPEAL NO.68 OF 2024

1. Heard.
2. **Admit.**
3. Learned APP waives notice for the State.
4. Call for record and proceedings.
5. Appeal be placed before this Court after preparation of the paper book and its verification.

(URMILA JOSHI-PHALKE, J.)