



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

CRIMINAL APPLICATION (APPA) NO. 299 OF 2024

IN

CRIMINAL APPEAL NO.155 OF 2024

Ritik @ Somesh s/o Vilas Parate

Vs.

State of Maharashtra, through PSO, PS Pachpaoli, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr L.B. Khergade, Advocate for appellant.

Ms Mukta Kavimandan, APP for State.

CORAM : G.A. SANAP, J.

DATE : 20.06.2024

Heard learned Advocate for the appellant and
learned APP for the respondent/State.

2. This is an application filed by the
appellant/accused for suspension of sentence and grant of
bail.

3. The appellant/accused has been convicted by
the learned Additional Sessions Judge Nagpur, in
Sessions Case No.349/2019 vide judgment and order
dated 09.02.2024 for the offences punishable under
Sections 307 and 324 of the Indian Penal Code (for short

“I.P.C.”), for Section 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951. For the offence punishable under Section 307 of the I.P.C., he is sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.10,000/- and for Section 324 of the I.P.C., he is sentenced to suffer rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/- and for Section 25 of the Arms Act, 1959, he is sentenced to suffer rigorous imprisonment for a period of two years and to pay a fine of Rs.5000/- and for Section 135 of the Maharashtra Police Act, 1951, he is sentenced to suffer rigorous imprisonment for a period of six months and to pay a fine of Rs.2,000/-.

4. According to the appellant, he has a good case on merits. It is further stated that during pendency of the appeal, he was on bail. There is no grievance of misuse of bail conditions by him. It is stated that appeal may take its own time for final adjudication. It is submitted that the very purpose of filing of appeal may be frustrated, if the sentence is not suspended.

5. I have heard learned Advocate for the appellant/accused and learned APP for the State. Perused

the record and proceedings.

6. The maximum sentence awarded is five years rigorous imprisonment. The accused was on bail during pendency of the trial. There is no grievance of misuse or breach of conditions of bail. The grounds of challenge to the impugned judgment and order have been set out in the memo of appeal. In my view, considering the quantum of sentence and the fact that there is no grievance of breach of conditions during the pendency of trial, it would be just and proper to suspend the sentence. It is not out of place to mention that the appeal may take its own time for final adjudication. Hence the following order:-

7. Accordingly, the application is allowed.

i) The substantive sentence awarded by the learned Additional Sessions Judge, Nagpur in Sessions Case No.349/2019 vide judgment and order dated 09.02.2024 shall remain suspended during pendency of the appeal.

ii) Appellant-**Ritik @ Somesh Vilas Parate** be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) and

one surety in the like amount .

iii) The surety be submitted before the Trial Court.

8. Criminal Application stands disposed of accordingly.

(G. A. SANAP, J.)

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