



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

CRIMINAL APPLICATION (APPA) NO. 302 OF 2024 IN
CRIMINAL APPEAL NO. 157 OF 2024

Ankush s/o Arjun Tayde 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. Kunal Pandey, counsel h/f Mr. R.A. Mardikar, counsel for
applicant/appellant.

Mrs. H.N. Prabhu, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/03/2024.

1. Heard.
2. By preferring this application, the applicant/appellant is seeking suspension of sentence and releasing him on bail.
3. The appellant is prosecuted for the offence punishable under Sections 353, 332, 504 and 506 of the Indian Penal Code. After recording the evidence, the learned trial Court held him guilty and sentenced him to suffer rigorous imprisonment of one year and to pay fine of Rs. 5,000/-, in default to suffer one month rigorous imprisonment for the offence punishable under Section 353 of the Indian Penal Code. The appellant is also sentenced to suffer rigorous imprisonment of one year and to pay fine of Rs. 5,000/-, in default to suffer one month rigorous imprisonment for the offence punishable under Section 332 of the Indian Penal Code. He is also sentenced to suffer rigorous imprisonment

of three months and to pay fine of Rs. 500/- for the offence punishable under Section 504 of the Indian Penal Code.

4. The learned counsel for the appellant submitted the appeal would take its own time for its final decision. The punishment imposed is limited period punishment. In the meantime, if the sentence is executed, the appeal would become infructuous. He also pointed out from the impugned judgment that he has every chance of success in the present appeal.

5. The learned APP strongly opposed the present application on the ground that appeal is devoid of merits.

6. Having heard the learned counsel for the appellant and the learned APP for the State, the impugned judgment is also perused. From which, the appellant's counsel has pointed out that he has arguable points. Admittedly, the appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, then the appeal would become infructuous.

7. In view of that, I proceed to pass following order:

- (i) The execution of the sentence is hereby suspended till disposal of the appeal.
- (ii) The applicant shall be released on bail on executing PR. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

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

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

[URMILA JOSHI-PHALKE, J.]