



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

CRIMINAL APPLICATION (APPA) NO.330 OF 2024
IN
CRIMINAL APPEAL NO.172 OF 2024

Gajanan s/o Mohan Bhawar and another

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Mehkar, District Buldana

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

Court's or Judge's orders

Mr. S. B. Gandhe, Advocate for appellant.
Mr. U. R. Phasate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/03/2024

1. By this application, appellants are seeking suspension of sentence and releasing them on bail.

2. The appellants were prosecuted for the offences punishable under Sections 353 and 332 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of six months and to pay fine of Rs.5,000/- each for the offence punishable under Section 353 read with Section 34 of the Indian Penal Code and also convicted for the offence punishable under Section 332 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of six months and to pay fine of Rs.5,000/-.

3. Learned Counsel for the appellants submitted that the appellants have every chance of success in the present appeal. Moreover, the sentence is of limited period. The appeal would take its own time for its final decision. In the meantime, if the sentence is executed, the appeal would become infructuous.

4. Learned APP strongly objected the application on the ground that appeal is devoid of merits.

5. After hearing both the sides and after perusal of the impugned judgment and submissions made out by the learned Counsel for the appellants, who has pointed out that he has every chance of success, as he has many arguable points in the present appeal. The punishment imposed is also for a limited period. In view of that, the execution of sentence deserves to be suspended. Accordingly, I proceed to pass following order.

ORDER

(i) The execution of the sentence passed by the learned Additional Sessions Judge in Sessions Case No.6/2021 is suspended till disposal of the appeal.

(ii) The appellant **No.(1) Gajanan s/o Mohan Bhawar and No.(2) Rahul s/o Kunaji Jadhav** be released on bail on executing PR bond in the sum of Rs.15,000/-

(3)

25.appa.330.2024

each with one solvent surety in the like amount.

The Criminal Application (APPA) No.330/2024 is disposed of.

CRIMINAL APPEAL NO.172 OF 2024

- (i) Heard.
- (ii) **Admit.**
- (iii) Learned APP waives service of notice for the State.
- (iv) Call for record and proceedings.
- (v) The appeal be placed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)