



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

CRIMINAL APPLICATION (APPA) NO.358 OF 2024
IN
CRIMINAL APPEAL NO.195 OF 2024

Shailesh @ Kalu Kanojiya and others

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Parseoni Nagpur

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

Court's or Judge's orders

Mr. L. B. Khergade, Advocate for the appellants.
Ms. Swati Kolhe, APP for respondent /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/04/2024

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

2. The appellants are convicted for the offence punishable under Section 379 of the Indian Penal Code and sentence to suffer rigorous imprisonment of one year and six months and fine of Rs.5,000/-, in default, they shall further undergo rigorous imprisonment for six months.

3. Learned Counsel for the appellants submitted that the punishment imposed is of a limited period. He has also pointed out from the impugned judgment that he has many arguable points in the present appeal, but the appeal will take

its own time for its final decision. In the meantime, if the sentence is executed, the appeal will become infructuous.

4. Learned APP strongly opposed the said application on the ground that if the appellants are released on bail on suspension of sentence, they would not be available for the purpose of securing their presence for the appeal and prayed for rejection of the application.

5. Having heard the learned Counsel for the appellants and learned APP for the State, perused the impugned judgment, as learned Counsel for the appellants has already pointed out that he has many arguable points in the present appeal. Moreover, the punishment imposed is for a limited period. In the meanwhile, if the sentence is executed, the appeal would become infructuous. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order.

ORDER

(i) Criminal Application (APPA) No.358/2024 is allowed.

(ii). The execution of sentence is suspended till disposal of the appeal.

(iii) The appellant **No.(1) Shailesh @ Kalu Kanojiya, No.(2) Shahbaz Ali @ Mama Siddiki s/o Anwar Ali Siddiqui, No.(3) Jainuddin @ Jainu Siddiqui s/o Shamshad Ali and No.(4)**

(3)

917.appa.358.2024

Gulam Mustafa @ Monu Siddiqui s/o Nasrul Hasan Siddiqui shall be released on bail on executing PR bond in the sum of Rs. 25000/- each with one solvent surety in the like amount.

(iv) The application is disposed of.

CRIMINAL APPEAL NO.195 OF 2024

(1) Heard.

(2) Leave is granted to the appellant to correct the name of the appellant No.1.

(3) **Admit.**

(4) Learned APP waives service of notice for the State.

(5) Call for record and proceedings.

(6) Appeal be placed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)