



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

CRIMINAL APPLICATION (APPA) NO. 399 of 2024

IN

CRIMINAL APPEAL NO.213 OF 2024

Ashish s/o Balu Pande and another

Vs.

State of Maharashtra, through PSO, PS Benoda Tq. Warud Dist. Amravati

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

Mr T.U. Tathod, Advocate for the appellants.
Mr Suraj Hulke, APP for the State.

CORAM : G.A. SANAP, J.

DATE : 13.06.2024

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

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

3. The appellants/accused have been convicted by
the learned District and Additional Sessions Judge Warud,
District Amravati in S.T. No.32/2023 vide judgment and
order dated 27.02.2024 for the offences punishable
under Sections 307 and 323 of the Indian Penal Code (for
short "I.P.C.") read with Section 34 of the I.P.C. and
under Section 307 of the I.P.C. they are sentenced to
suffer rigorous imprisonment for five years and to pay fine

of Rs.5,000/- each and under Section 323 of the I.P.C., they are sentenced to suffer rigorous imprisonment for six months.

3. It is the case of the appellants that they have good case on merits. It is further stated that during pendency of the appeal, they were on bail. There is no grievance of misuse of bail conditions by them. It is stated that appeal may take its own time for final adjudication. The accused have deposited the fine amount. The appellants, therefore, submit that during pendency of the appeal, their sentence may be suspended and they may be released on bail.

4. The State has filed reply and opposed the application. It is contended that they have been convicted and sentenced for commission of serious offences.

5. The appeal filed by the appellants has been admitted. The final adjudication of the appeal would take its own time. The substantive sentence awarded under Section 307 of the I.P.C. is five years. There is no grievance with regard to the breach of the conditions of the bail during the pendency of the trial. In my view, considering the fact that this appeal would take its own time for final adjudication and the sentence is of five years imprisonment, it would be just and proper to allow the

application and suspend the sentence.

6. Accordingly, the application is allowed.

i) The sentence awarded by the learned District and Additional Sessions Judge, Warud, District Amravati in S.T. No.32/2023 vide judgment and order dated 27.02.2024 on both the counts shall remain suspended during pendency of the appeal.

ii) Appellants namely Ashish S/o Balu Pande and Satish Sureshrao Kadu be released on bail on their furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each and one surety each in the like amount .

iii) The surety be submitted before the Trial Court.

7. Criminal Application stands disposed of.

(G. A. SANAP, J.)