



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

CRIMINAL APPLICATION NO.521 OF 2024

IN

CRIMINAL APPEAL NO.289 OF 2024

(Ramesh Govinda Shende Vs. The 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. U.P. Dable, Advocate for the appellant.
Ms Prachi Joshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MAY 21, 2024.

By this application, the appellant is seeking suspension of sentence and releasing him on bail.

2. The appellant was prosecuted of the offence punishable under Sections 353, 186 and 506 of the Indian Penal Code. Learned trial Court held him guilty and sentenced him to suffer R.I. for 4 years and to pay fine of Rs.10,000/- and in default to further undergo R.I. for 6 months of the offence punishable under Section 353 of IPC, he further convicted of the offence punishable under Section 186 of IPC and sentenced to suffer R.I. for 3 months and to pay fine of Rs. 500/- and in default to suffer R.I. for 7 days. The appellant is further convicted of the offence punishable under Section 506 of the IPC and sentenced to suffer R.I. for 2 years and to pay fine of Rs.4000/- and in default to undergo R.I. for 3 months.

3. The fine amount is already deposited. Learned Counsel for the appellant submitted that the appeal will take its own time for its final decision. In the meantime, if sentence is executed, the appeal would become infructuous. In view of that, the execution of sentence be suspended and the appellant be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the appeal is devoid of merits and the application deserves to be rejected.

5. I have heard learned Counsel for both the parties and perused the impugned judgment from which learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. Admittedly, the punishment imposed is of a limited period punishment. The appeal will take its own time for its final decision. In the meantime, if sentence is executed, the appeal would become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 07/05/2024 passed by the Sessions Judge, Bhandara in Sessions Trial No.19/2021 is hereby suspended till final disposal of the appeal.

(iii) The appellant be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety, in the like amount.

(iv) The appellant shall furnish his Cell-phone number and address along with address proof before the trial Court.

6. The application stands disposed of.

CRIMINAL APPEAL NO.289 OF 2024

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P.

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)