



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

CRIMINAL APPLICATION (APPA) NO. 610 OF 2024
IN
CRIMINAL APPEAL NO. 337 OF 2024

Ganesh Vitthal Rajankar Vs 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. O.L. Gupta, counsel for the applicant.
APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/07/2024.

1. Heard.
2. By preferring this application, the applicant / appellant is seeking suspension of sentence and releasing him on bail.
3. Learned counsel for the applicant submitted that applicant was prosecuted of the offence punishable under Sections 353, 332, 506 of the Indian Penal Code, 1860 (for short 'the IPC). After recording the evidence, learned trial Court has held him guilty for the offence punishable under Sections 353 and 332 of the IPC and sentenced him to suffer Six months Rigorous Imprisonment and fine of Rs. 1,000/- of the offence punishable under Section 353, and Six months Rigorous Imprisonment and fine of Rs.1,000/- for the offence punishable under Section 332 of the IPC.

4. Learned counsel for the applicant pointed out from the impugned judgment that, he has many arguable points raised in the present appeal. Moreover, he submitted that the punishment imposed is for a limited period, and the appeal would take its own time for final decision. In the meanwhile, if the sentence is executed, the appeal become infructuous. In view of that, he prayed for execution of sentence and releasing the applicant on bail.

5. Learned APP strongly opposed the said application on the ground that appeal is devoid of merits and therefore, liable to be dismissed.

6. Having heard learned counsel for the applicant and learned APP for the State, perused the impugned judgment as well as the evidence which was placed on record, it shows that the applicant has every chance of success in the present applicant. However, it would take its own time for its final decision. Moreover, punishment imposed is of a limited period, if the sentence is executed, then purpose of preferring the appeal would become infructuous. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- (i) The application (APPA) No. 610/2024 is allowed.

- (ii) The execution of the sentence in Sessions Trial Case No. 88/2021 is hereby suspended till disposal of the appeal.
- (iii) The applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

CRIMINAL APPEAL NO. 337 OF 2024

1. Heard.
2. **ADMIT.**
3. Call for R. & P.
4. Learned Additional Public Prosecutor waives service of notice on behalf of respondent/State.
5. Place the appeal before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J.]