



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

CRIMINAL APPLICATION (APPA) NO. 714 OF 2024
IN
CRIMINAL APPEAL NO. 401 OF 2024

Sk. Yusuf Sk. Raheman 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. Abhay R. Sambre, counsel for the applicant/appellant.
Mrs. Swati Kolhe, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/08/2024.

1. Heard.
2. By preferring this application, the applicant / appellant has challenged the judgment and order of sentence passed in Special (Atrocity) Case No. 45/2016, by which the appellant is held guilty for the offence punishable under Section 447, 354-A, and 506 of the Indian Penal Code. The appellant is convicted and sentenced to suffer fine of Rs. 500/- of the offence punishable under Section 447 and, in default of payment of the fine, simple imprisonment for five days. The appellant is further convicted of the offence punishable under Sections 354-A and 506 of the IPC and sentenced to suffer R.I. for one year each of both the offences and the fine of Rs. 500/- for the offence punishable under Section 354-A, and in default of S.I. for five days, and sentenced to suffer R.I. for one year for the offence punishable under Section 506 and a fine of

Rs. 800/-, in default of payment of fine, the simple imprisonment for eight days.

3. Learned counsel for the applicant, Mr. A.R. Sambre, submitted that the appeal would take its own time for its final decision. In the meantime, if the sentence is executed, then the purpose of preferring the appeal would be frustrated.

4. He further submitted that the appellant has not misused his liberty while he was on bail during the trial. Moreover, he has pointed out from the impugned judgment that he has many arguable points in the present appeal.

5. The learned APP strongly opposed the said application and submitted that the appeal itself is devoid of merit and liable to be dismissed.

6. After hearing learned counsel for the appellant and learned APP for the State, perused the impugned judgment. From which, the learned counsel for the appellant pointed out that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period, and there is no chance of disposal of the appeal in the near future. In view of that, the execution of the sentence deserves to be suspended by releasing the appeal on bail. Accordingly, I proceed to pass the following order:

ORDER

- (i) The execution of the sentence imposed in Special (Atrocity) Case No. 45/2016 is hereby suspended till disposal of the appeal.

- (ii) The applicant shall be released on bail on executing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- (iii) The application (APPA) No. 714/2024 is disposed of.

CRIMINAL APPEAL NO. 401 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.]