



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

CRIMINAL APPLICATION (APPA) NO.860 OF 2024
IN
CRIMINAL APPEAL NO.497 OF 2024

Nikhil s/o Suresh Varma and others

Vs.

State of Maharashtra, Through its Police Station Officer, Police Station,
Shanti Nagar Nagpur, District Nagpur

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

Court's or Judge's orders

Mr. N. R. Tekade, Counsel for the appellants.
Mrs. M. A. Barabde, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/09/2024

1. By this application, the appellants are seeking suspension of sentence and releasing them on bail under Section 430 of the Bhartiya Nyaya Sanhita, 2023.

2. Learned Counsel for the appellants submitted that the appellants were prosecuted for the offences punishable under Sections 143, 147, 353, 294, 506, 186 read with Section 149 of the Indian Penal Code. After full-fledged trial, all the appellants were convicted for the offence punishable under Section 353 and sentenced to suffer simple imprisonment for two years and fine of Rs.1000/- each, in default, simple imprisonment for two months. They are also convicted for the offence punishable under Section 294 and sentenced to

suffer for simple imprisonment for two months and fine of Rs.500/- each and in default, simple imprisonment for 15 days. They are also convicted for the offence punishable under Section 506 and sentenced to suffer for simple imprisonment for one month and fine of Rs.1000/- each and in default, simple imprisonment for one month.

3. Learned Counsel for the appellants submitted that the fine amount is already deposited. As far as the suspension of sentence is concerned, the appeal would take its own time for its final disposal. He also pointed out from the impugned judgment that he has many arguable points in the present appeal. The punishment imposed is of a limited period. Learned APP opposed the same.

4. After hearing both the sides. On perusal of the impugned judgment it reveals that the appellants has many arguable points in the present appeal. Moreover, the appeal would take its own time for its final disposal and punishment is also of a limited period which is sufficient to accept the contention of the learned Counsel of the appellants, in view of that I proceed to pass following order:

ORDER

- (i) Criminal Application is allowed.

(ii) The execution of sentence imposed in Sessions Trial No.451/2023 is suspended till disposal of the appeal.

(iii) The appellant **No.(1) Nikhil s/o Suresh Varma, No.(2) Khushbu d/o Suresh Varma, No.(3) Urmila w/o Santoshsingh Varma, No.(4) Pawan s/o Santoshsingh Varma and No.(5) Chandrashekhar s/o Harichandra Morke** shall be released on bail on executing PR Bond of Rs.15,000/- each with one solvent surety in the like amount.

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- (i) Heard.
- (ii) **Admit.**
- (iii) Learned APP waives service of notice for the respondent/State.
- (iv) Call for record and proceedings.
- (v) Appeal be listed before this Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)