



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

CRIMINAL APPLICATION (APPA) NO. 983 OF 2024 IN
CRIMINAL APPEAL NO. 560 OF 2024

Jagannath s/o Shivkumar Bairagi Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Madhur Deo, counsel for the applicant/appellant.
Mrs. H.N. Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/10/2024.

1. By preferring this application, the applicant/appellant is seeking suspension of sentence and releasing him on bail.
2. The applicant has challenged the judgment and order of sentence passed in Special Atrocity Case No. 21/2023 by the learned Additional Sessions Judge-1, Aheri, District Gadchiroli, by which the applicant is convicted of the offence punishable under section 354 of the Indian Penal Code, 1860 and sentenced to suffer three months simple imprisonment and fine of Rs. 2000/-, in default, simple imprisonment of 15 days.
3. Learned counsel for the applicant submitted that the applicant is already acquitted for the charges punishable under Sections 3(1)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Learned counsel for the applicant further pointed out from the impugned judgment that the learned trial Court has not considered the evidence in proper perspective and he has many arguable points in the present appeal, but the appeal would take its own time for its final decision. In the meantime, if the sentence is executed, the appeal would become infructuous.

5. The learned APP strongly opposed the present application on the ground that the appeal itself is devoid of merits and liable to be dismissed.

6. Having heard the learned counsel for the applicant and the learned APP, perused the impugned judgment. Considering the fact that a limited period sentence is imposed on the present applicant as well as the appeal would take its own time for its final decision and in the meantime, if the sentence is executed, the appeal would become infructuous. Moreover, the applicant has also made out the arguable points which can be considered while considering the appeal. In view of that, till appearance of the victim, the execution of sentence deserves to be suspended.

7. In view of that, I proceed to pass following order:

- (i) Issue notice to the respondent No.2, returnable after four weeks.

- (ii) In the meantime, the execution of sentence imposed in Special Atrocity Case No. 21/2023 is hereby suspended till disposal of the appeal.
 - (ii) The applicant shall be released on bail on executing PR. Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
8. Stand over after four weeks.

Humdast is **granted**.

[URMILA JOSHI-PHALKE, J.]