



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

CRIMINAL APPLICATION NO.1000 OF 2024

IN

CRIMINAL APPEAL NO.569 OF 2024

(Dinesh s/o Ramkrushna Tipare and ors. 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. P.R. Agrawal, Advocate for the appellants.
Mr. H.D. Dubey, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- OCTOBER 14, 2024.

By this application, the appellants are seeking suspension of sentence and releasing him on bail.

2. Learned Counsel for the appellants submitted that the appellants were prosecuted of the offence punishable under Sections 353, 323 and 504 read with Section 34 of the Indian Penal Code. After trial they were held guilty of the offences punishable under Sections 353, 323 and 504 read with Section 34 of the IPC. The appellants for the offence punishable under Section 353 of the IPC, sentenced to suffer rigorous imprisonment of 3 months and to pay fine of Rs.4000/- each and in default to suffer rigorous imprisonment for one month. The appellants further convicted of the offence punishable under Section 323 of the IPC and sentenced to suffer rigorous imprisonment of 15 days each and to pay fine of Rs.500/- each, in default to suffer rigorous imprisonment for 7 days and for the offence punishable under Section

504 read with Section 34 of the IPC they are sentenced to suffer rigorous imprisonment for one month each and to pay fine of Rs.1000/- each, in default to suffer RI for 15 days each. The appellants had already deposited the fine amount.

3. Learned Counsel for the appellants submitted that the limited period punishment is imposed on the appellants. From the impugned judgment he pointed out that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, they be released on bail and the execution of sentenced be suspended.

4. Learned APP strongly opposed the application on the ground that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties and perused the impugned judgment from which it reveals that the limited period punishment is imposed on the appellants. Learned Counsel for the appellants has pointed out that he has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. 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 20/09/2024 passed by the Ad-hoc District Judge-2 and Additional Sessions Judge, Achalpur in Sessions Case No107/2018 is hereby suspended till final disposal of the appeal.

(iii) The appellants – 1) Dinesh s/o Ramkrushna Tipare, 2) Ramesh s/o Raosaheb Arbat, 3) Anil s/o Kisanrao Bhojane and 4) Anup s/o Pundlikrao Bhojane be released on bail on executing P.R. Bond in the sum of Rs.15,000/- each, with one surety each, in the like amount.

6. The application stands disposed of.

CRIMINAL APPEAL NO.569 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.)