

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3972 OF 2024
IN
CRIMINAL APPEAL NO.1079 OF 2024**

Vijaypal Vate Kanojiya

... Applicant (Org. Accused)

V/s.

State of Maharashtra & Anr.

... Respondents

Mr. Toni S. Sachdevani, Kailash G. Chhabria (through VC) is present.

Mr. V. N. Sagare, APP for Respondent No.1-State.

Mr. Shantanu Kadam for Respondent No.2.

CORAM : N.R. BORKAR, J.

DATE : 02ND SEPTEMBER 2025

PC. :

1. By this Application, the Applicant is seeking suspension of sentence and grant of bail during the pendency of Appeal filed by him against the judgment and order dated 26th July 2024 passed by the Additional Sessions Judge, Kalyan in Atrocity Special Case No.22 of 2015 by which the Learned Additional Sessions Judge has convicted the present Applicant for the offences punishable under Sections 363, 366-A of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for five years.

2. Learned Counsel for the Applicant submits that the Applicant has

good case on merits. It is submitted that the Applicant was on bail during the trial. It is submitted that till date, the Applicant has undergone sentence of one year and four months and the appeal is not likely to be taken up for final hearing. It is submitted that thus the sentence be suspended and the Applicant be released on bail.

3. On the other hand, Learned APP for Respondent No.1-State and Learned Counsel for Respondent No.2 submit that the Applicant is the father of one of the co-accused to whom the trial Court has convicted for the offence punishable under Section 376 (2)(n) and sentenced him to suffer rigorous imprisonment for ten years. It is submitted that considering the nature of offence, the sentence may not be suspended.

4. The fact that the Applicant was on bail during the trial is not disputed. Considering the pendency of criminal appeals, the Appeal filed by the Applicant is not likely to be taken up for final hearing in near future. The Applicant has already undergone sentence of one year and four months. Considering the overall facts and circumstances, I am inclined to suspend the sentence and release the Applicant on bail.

5. The substantive sentence imposed upon the Applicant by the trial

court is suspended. The Applicant shall be released on bail on furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

6. The Interim Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)