

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1326 OF 2025

IN

CRIMINAL APPEAL NO. 338 OF 2025

Ganesh Suryaprasad Mishra

... Applicant

Versus

State of Maharashtra & Anr.

... Respondents

SONALI
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KILAJE

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Mr. Sachin Dubey, Advocate for the Applicant.

Mr. Prasanna Malshe, APP for the State.

CORAM : SHIVKUMAR DIGE, J.

DATED : 3rd APRIL, 2025.

P. C. :

1. This is an application for suspension of sentence and bail.
2. Heard learned counsel for the applicant and learned APP for the State.
3. The applicant has been convicted by the learned Sessions Court for the offence punishable under Section 235(2) of the Code of Criminal Procedure, 1973 for the offence punishable under Sections 353, 332 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short "I.P.C."). The applicant is sentenced to suffer rigorous imprisonment for a period of two years and fine of Rs.20,000/-, in default to suffer rigorous imprisonment of four months for offence punishable under Section 353

read with Section 34 of I.P.C.. The applicant is sentenced to suffer rigorous imprisonment for a period of two years and fine of Rs.20,000/-, in default to suffer rigorous imprisonment of four months for offence punishable under Section 332 read with Section 34 of I.P.C.. The applicant is sentenced to suffer rigorous imprisonment for a period of six months and fine of Rs.5,000/-, in default to suffer rigorous imprisonment of one month for offence punishable under Sections 332 read with 34 of I.P.C.

4. It is contention of learned counsel for the applicant that the Trial Court has granted bail and suspended sentence of the applicant till filing appeal. During the trial the applicant was on bail. He has not misused the liberty, hence requested to allow the application.

5. Learned APP strongly objected to allow the application.

6. I have heard both the learned counsel. The sentence imposed on the applicant is short term sentence. The Trial Court has granted bail to the applicant and suspended his sentence till filing the appeal. During the trial the applicant was on bail. He has not misused the liberty. It may take time to dispose of the appeal.

7. In view of above, I pass following order.

ORDER

- i. The substantive sentence imposed on the applicant in Sessions Case No. 858 of 2019 is

suspended till disposal of the appeal.

- ii. The applicant be enlarged on bail on furnishing PR.Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
 - iii. The bail bond to be furnished before the Trial Court.
8. Interim application stands disposed of.
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)