

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

Interim Application No.4143 of 2025

in

Criminal Appeal (Stamp) No.22359 of 2025

1. Umesh Ravindra Sonje

Age 34 years, Occ. Business,

2. Abhijit Ravindra Sonje

Age 32 years, Occ. Business,

3. Akash Ravindra Sonje

Age 30 years, Occ. Business,

All R/o-N-31/F-2/14/16,

Maharana Pratap Chowk,

Cidco, Nashik, Tal.& District Nashik

... Applicants

versus

The State of Maharashtra

Through Ambad Police Station,

District Nashik

(to be served through the office of the

learned Public Prosecutor, High Court

of Bombay)

... Respondent

Mr Rahul Kasliwal, for the applicants (through VC).

Mr S V Walve, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 16 December 2025

P.C.:

. Heard Mr Rahul Kasliwal, the learned Counsel appearing on behalf of the applicants and Mr S V Walve, the learned Additional Public Prosecutor representing respondent/State.

2. The applicants were tried in Sessions Case No.315 of 2021 before the Additional Sessions Judge, Nashik, for the offences punishable under Sections 353, 332, 504, 427 and 506(II) of the Indian Penal Code ('IPC'). They were convicted under Sections 353, 332, 504, 427 read with 34 of the IPC and sentenced to simple imprisonment ranging from one to three months with fines, with default sentences.

3. The learned Counsel appearing on behalf of the applicants highlights the alleged shortcomings in the prosecution case and contends that the testimony of the prosecution witnesses lack credibility and fail to inspire confidence. The learned Counsel further submits that the applicants were on bail during the trial. The applicants are ready to comply with any conditions imposed by this Court and cooperate with the appeal proceedings if released on bail.

4. The learned Additional Public Prosecutor representing respondent /State opposing the applicants' request, argues that the offence is grave and serious in nature. The evidence on record strongly supports the prosecution case.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the record.

6. In *Bhagwan Rama Shinde Gosai v. State of Gujarat, (1999) 4 SCC 421*, the Hon'ble Supreme Court observed as follows:

“3. When a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances. Of course, if there is any statutory restriction against suspension of sentence it is a different matter. Similarly, when the sentence is life imprisonment the consideration for suspension of sentence could be of a different approach. But if for any reason the sentence of a limited duration cannot be suspended every endeavour should be made to dispose of the appeal on merits more so when a motion for expeditious

hearing of the appeal is made in such cases. Otherwise the very valuable right of appeal would be an exercise in futility by efflux of time. When the appellate court finds that due to practical reasons such appeals cannot be disposed of expeditiously the appellate court must bestow special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. Of course, appellate courts can impose similar conditions when bail is granted.”

7. Upon perusing the records, it appears that the maximum period of imprisonment imposed upon the applicants is three months. The sentence is a short one. The alleged incident occurred in 2015. There appear to be contradictions in the evidence of the prosecution witnesses. The applicants were on bail during the trial. The appeal is filed in 2025 and is unlikely to be heard in the near future due to the pendency of the older appeals. Considering the allegations, nature of the offence and the sentence imposed, this Court deems it appropriate to suspend the applicants’ sentence and release them on bail during the pendency of the appeal. Hence, the following order:

ORDER

(i) The sentence imposed upon the applicants vide

judgment and order dated 14 October 2025 passed by the Additional Sessions Judge, Nashik, in Sessions Case No.315 of 2021, stands suspended during the pendency of the appeal.

(ii) The applicants shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(iii) The applicants shall inform and update the concerned police station about their residential address and contact details.

8. The interim application stands disposed of accordingly.

(R.N. Laddha, J.)