



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

CRIMINAL APPLICATION NO.136 OF 2025

IN

CRIMINAL APPEAL NO.74 OF 2025

(Nisha Dharmendra Gajbhiye 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. A.K. Dobade, Advocate for the appellant.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- FEBRUARY 10, 2025

By this application, the appellant is seeking suspension of sentence and releasing her on bail.

2. Learned Counsel for the appellant submitted that the appellant is convicted of the offence punishable under Section 201 of Indian Penal Code and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.5000/-. The fine amount is yet to be paid. He pointed out from the impugned judgement that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period, if sentence is executed then the appeal will become infructuous. In view of that, he prays for suspension of sentence and releasing the appellant on bail.

3. Learned Additional Public Prosecutor strongly opposed the application and submitted that the appellant has not deposited the fine amount. Moreover, the appeal

itself is devoid of merits, and therefore, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties and perused the impugned judgement from which the learned Counsel for the appellants has pointed out that he has many arguable points in the present appeal and there is every chance of success. However, the appeal would take its own time for its final decision, moreover the punishment imposed is of a limited period. In view of that, the application deserves to be allowed on depositing the fine amount of Rs.5000/- within two weeks. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 27/11/2024 passed by the District Judge-11 and Additional Sessions Judge, Nagpur in Sessions Case No.475/2022 is hereby suspended till final disposal of the appeal.

(iii) The appellant - Nisha Dharmendra Gajbhiye be released on bail on executing PR. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety, in the like amount.

(iv) The appellant shall deposit the fine amount of Rs.5000/- within two weeks.

5. The application stands disposed of.

CRIMINAL APPEAL NO.74 OF 2025

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.)

**Divya*