



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

CRIMINAL APPEAL NO.96 OF 2025

Murlidhar Koteswar Wadhai

Vs.

State of Maharashtra, through P.S.O, PS Mul Dist. Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr S.D. Umredkar, Advocate for the appellant.
Mr A.M. Ghogare, APP for the State.

CORAM : G.A. SANAP, J.
DATE : 18/02/2025

Heard.

2. **ADMIT.**
3. Issue notice to the respondent.
4. Learned APP waives service of notice on behalf of the State.
5. Call for the record and proceedings.

Criminal Application NO. 169 of 2025

1. Heard.
2. Issue notice to the respondent.
3. Learned APP waives service of notice on behalf of the State.
4. This is an application filed by the appellant/accused for suspension of his sentence and grant of bail.

5. The appellant has been convicted and sentenced for the offence punishable under Section 326 of the Indian Penal Code by the impugned judgment and order dated 20.01.2025.

6. The maximum sentence awarded is imprisonment for three years with fine. It is submitted that the appellant has a good case on merits. The grounds of challenge to the impugned judgment and order have been set out in the appeal memo. The appellant was on bail during trial. There is no grievance of misuse of the liberty granted to him. It is submitted that the appeal may take some time for final adjudication and therefore, it is necessary to suspend the substantive sentence. Learned advocate submitted that if the substantive sentence is not suspended, then the very purpose of filing the appeal would be frustrated.

7. On going through the record and proceedings, I am satisfied that this is a fit case for suspension of the substantive sentence. The merits of the appeal cannot be gone into at this stage. Considering the term sentence, it would be just and proper to grant the application.

8. In view of the above, the criminal application is allowed.

9. The judgment and order dated 20.01.2025 passed by the learned Additional Sessions Judge, Chandrapur, in Sessions Case No. 5/2018, shall remain suspended during pendency of this appeal.

10. Applicant/appellant – **Murlidhar Koteswar Wadhai** be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount. Bail to be furnished before the trial Court.

11. The application stands disposed of in the aforesaid terms.

(G. A. SANAP, J.)

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