



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

CRIMINAL APPLICATION NO.197 OF 2025

IN

CRIMINAL APPEAL NO.107 OF 2025

(Manohar s/o Baban Kolhe 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. T. Dhale, Advocate h/f Mr. N.B. Kalwaghe, Advocate for the appellant.
Ms R.V. Sharma, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- FEBRUARY 28, 2025.

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

2. Learned Counsel for the appellant submitted that the Special Court has held the appellant guilty of the offence punishable under Section 294 of the IPC and sentenced to suffer Simple Imprisonment of one month and to pay fine of Rs.1000/- in default Simple Imprisonment for seven days. He is further convicted of the offence punishable under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to suffer Simple Imprisonment for six months and to pay fine of Rs.3000/- in default SI for one and half month. Learned Counsel for the appellant submitted that the punishment imposed is of a limited period. He further submitted from the impugned judgment that he has many arguable points in the present

appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, he be released on bail and the execution of sentenced be suspended.

3. *Per contra*, Learned APP strongly opposed the application on the ground that 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 judgment from which learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. Moreover punishment imposed is of a limited period. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 23/01/2025 passed by the Special Judge, Khamgaon, District Buldhana in Special Case No.5/2012 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Manohar s/o Baban Kolhe be released on bail on executing P.R.

Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) with one surety, in the like amount.

5. The application stands disposed of.

CRIMINAL APPEAL NO.107 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.)