



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.240 OF 2025
IN
CRIMINAL APPEAL No.130/2025

Nilesh s/o Babanrao Mandhare

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Kharangana, District Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Y. R. Sawaitul, Counsel for the appellant.
Ms. Sneha Dhote, APP for respondent /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/03/2025

1. By this application, the appellant is seeking suspension of sentence and releasing him on bail.
2. The appellant is convicted for the offence punishable under Section 436 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.30,000/- in default, to suffer simple imprisonment for three months.
3. Heard learned Counsel for the appellant as well as learned APP for the State. Perused the impugned judgment from which it reveals that punishment imposed is of a limited period. The appeal would take its own time for its final disposal.

In the meantime, if the sentence is executed the appeal would become infructuous. In view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
 - (ii) The execution of sentence passed in Sessions Case No.46/2022 is hereby suspended till disposal of the appeal.
 - (iii) The appellant shall be released on bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
4. The application is disposed of.
5. *Hamdast* is allowed.

CRIMINAL APPEAL No.130/2025

- 1. Heard.
- 2. **Admit.**
- 3. Learned APP waives notice for the State.
- 4. Call for record and proceedings.
- 5. Appeal be listed for final disposal after preparation of paper book.

(URMILA JOSHI-PHALKE, J.)