



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

CRIMINAL APPLICATION NO.444 OF 2025

(Akash Baburao Garde 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. M.V. Rai, Advocate for the applicant.
Ms S.S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 9, 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 appellant is held guilty of the offence punishable under Sections 323, 324, 504 and 506 of the Indian Penal Code. The maximum sentence imposed is of two years and fine of Rs.2000/-. The appellant is further convicted of the offence punishable under Section 323 of IPC and sentenced to suffer rigorous imprisonment for one year and fine of Rs.500/-, of the offence punishable under Section 504 of IPC the rigorous imprisonment for one year and fine of Rs.1000/- and for the offence punishable under Section 506 of IPC the fine of Rs.1000/-. The applicant has also shown his willingness to deposit the fine amount. It is further submitted that the punishment imposed is of a limited period. From the impugned judgment he pointed out 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. 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 and considering the fact that the appeal would take its own time for its final disposal. The punishment imposed is also of a limited period. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. 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 passed by the Sessions Judge, Buldhana in Sessions Case No.73/2020 dated 23/04/2024 is hereby suspended till final disposal of the appeal.

(iii) The applicant – Akash Baburao Garde be released on bail on executing P.R. Bond in

the sum of Rs.15,000/- with one surety, in the like amount.

5. The application stands disposed of.

CRIMINAL APPLICATION NO.443 OF 2025

Heard.

2. By this application, the appellant is seeking condonation of delay which is caused in preferring the appeal against conviction.

3. Learned Counsel for the applicant submitted that due to poor financial condition, the applicant could not approach to the Counsel, and therefore, delay of 306 days is caused. There is sufficient and satisfactory reasons for condonation of delay.

4. Learned APP strongly opposed the application on the ground that the reasonable and justifiable reason is not mentioned in the application. In view of that, the application deserves to be rejected.

5. Considering the grounds raised in the application and considering the fact that if the delay is not condoned, the statutory right of the present applicant to prefer an appeal would affect. In view of that, the

application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The delay of 306 days be condoned.
- (iii) The application stands disposed of.
- (iv) Appeal be registered.

CRIMINAL APPEAL (ST.) NO.4156 OF 2025

On registration of the appeal, place the matter before the Court for admission.

(URMILA JOSHI-PHALKE, J.)

**Divya*