



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

Criminal Application (APPA) No. 629 of 2024
in
Criminal Appeal No. 354 of 2024

Ajay S/o Shiv Takot

Versus

State of Maharashtra through Police Station Officer, Police Station
Deolapar, Dist. Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M.Gedam, Advocate for the applicant.

Shri S.S.Hulke, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.
DATED : 1st OCTOBER, 2025.

The present application is filed by the applicant under Section 430 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* seeking suspension of sentence and grant of bail, pending final disposal of the criminal appeal.

2. The applicant has preferred an appeal challenging the judgment and order of conviction dated [insert date], passed by the learned Additional Sessions Judge-8, Nagpur in Sessions Trial Case No. 289 of 2018, whereby the applicant has been convicted for the offence punishable under Section 376 of the Indian

Penal Code and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of ₹10,000/-, and in default thereof, to further undergo rigorous imprisonment for six months.

3. Learned counsel for the applicant has placed on record copies of depositions of prosecution witnesses examined before the Trial Court and submits that there are material infirmities and inconsistencies in the depositions of the prosecution witnesses. He also submits that the applicant was on bail during the course of the trial and has not misused the liberty so granted. It is further submitted that the appeal is not likely to be heard in the near future, and the applicant has a fair chance of succeeding in the appeal. Hence, the present application deserves to be allowed.

4. The application is strongly opposed by the learned Additional Public Prosecutor, who submits that the prosecutrix was subjected to sexual assault by the applicant, which is duly corroborated by medical evidence. It is further submitted that there exists a real possibility of the applicant attempting to threaten or influence prosecution witnesses. Hence, it is prayed that the application be rejected.

5. Upon considering the rival submissions, the nature of the offence, the age of the applicant, the period

of sentence imposed, and the fact that the appeal is likely to take considerable time for final adjudication, this Court is of the considered opinion that a case for suspension of sentence is made out.

6. Accordingly, the application is allowed. The substantive sentence imposed upon the applicant vide judgment and order passed by the learned Additional Sessions Judge-8, Nagpur in Sessions Trial Case No. 289 of 2018 is hereby suspended, pending final disposal of the appeal.

i) The applicant shall be released on bail on executing a Personal Recognizance Bond in the sum of ₹25,000/- (Rupees Twenty-Five Thousand only) with one solvent surety in the like amount, to the satisfaction of the Trial Court.

ii) The applicant shall reside within the limits of Nagpur City during the pendency of the criminal appeal.

iii) The applicant shall report to Hudkeshwar Police Station on the first Monday of every month. He shall also furnish his residential address and mobile number to the concerned Sessions Court.

iv) It is clarified that the learned Additional Public Prosecutor and/or the Investigating Officer shall be at liberty to seek cancellation of bail in the event of

breach of any of the aforesaid conditions or for any other sufficient reason.

The criminal application stands disposed of accordingly.

[NIVEDITA P. MEHTA, J.]