



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

CRIMINAL APPLICATION (APPA) NO. 553 OF 2025
IN
CRIMINAL APPEAL NO. 312 OF 2025

Nilesh s/o Kaisha Deshmukh 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. S.B. Gandhe, counsel for applicant/appellant
Ms. M.A.Barbde, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/07/2025.

1. By this application, the applicant/appellant is seeking suspension of sentence and releasing the applicant on bail.
2. The applicant is convicted for the offence punishable under Sections 353, 504, and 506 of the Indian Penal Code, 1860, and sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs. 6,000/-. The appellant has already deposited the fine amount. Learned counsel for the appellant submitted that he has many arguable points in the appeal. The punishment is of a limited period, if the sentence is executed, the appeal would become infructuous.
3. Learned APP strongly opposed for the same and submitted that the appeal itself is devoid of merit and therefore, the application is liable to be dismissed.

4. After hearing both sides and on perusal of the impugned judgment, it reveals that the appellant has many arguable points in the present appeal. Moreover, the 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 the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The execution of the sentence passed in Sessions Case No. 287/2023, is hereby suspended till disposal of appeal.
- c] The appellant shall be released on bail on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

Criminal application is **disposed of**.

CRIMINAL APPEAL NO. 312 OF 2025

- 1. Heard.
- 2. **Admit**
- 3. Learned APP waives service of notice on behalf of respondent/State.

4. Call for record and proceedings.
5. Appeal be listed before this Court after preparation of the paper-book for final disposal.

[URMILA JOSHI-PHALKE, J.]