



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

CRIMINAL APPLICATION (APPA) NO.563/2025

WITH

CRIMINAL APPEAL NO.318/2025

Kishor Nanaji Nandekar

..VS..

State of Maharashtra, through its PSO PS Mukutban,
taluka Zari-Jamni, District Yavatmal

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

Court's or Judge's Order

Shri S.V.Sirpurkar, Counsel for the Applicant.

Shri C.A.Lokhande, Additional Public Prosecutor for the State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 02/07/2025

1. By this application, the applicant seeks suspension of sentence and for grant of bail against judgment and order dated 3.6.2025 passed by learned Special Judge-1, Kelapur, district Yavatmal in Atrocity Special Case No.21/2-016 whereby he is convicted for offences under Sections 353, 332, and 186 of the IPC and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the SC and ST Act).

Under Section 353 of the IPC, he is sentenced to suffer rigorous imprisonment for 2 years and to pay fine Rs.5000/-, in default, to suffer simple imprisonment for 3 months.

Under Section 332 of the IPC, he is sentenced to suffer rigorous imprisonment for 1 year and to pay fine Rs.6000/- in default, to suffer simple imprisonment for 2 months.

Under Section 186 of the IPC, he is sentenced to suffer rigorous imprisonment for 2 months and to pay fine Rs.500/- in default to suffer simple imprisonment for 15 days.

Under Sections 3(1)(x) of the SC and ST Act, he is sentenced to suffer rigorous imprisonment for 2 years and to pay fine Rs.5000/-, in default, to suffer simple imprisonment for 3 months.

2. Heard learned counsel Shri S.V.Sirpurkar for the applicant and learned Additional Public Prosecutor

Shri C.A.Lokhande for the State.

3. Learned counsel for the applicant submits that the punishment imposed upon the applicant is of a limited period and the appeal would take its own time for its final disposal. He also points out that he has many arguable points in the appeal. In view of that, execution of the sentence imposed upon the applicant be suspended during pendency of the appeal.

4. *Per contra*, learned Additional Public Prosecutor for the State strongly opposes the application on ground that the appeal itself is devoid of merits.

5. Considering the punishment imposed upon the applicant is of a limited period and learned counsel for the applicant submitted that he has many arguable points in the appeal, the application deserves to be allowed, as per order below:

ORDER

(1) The Criminal Application is **allowed**.

(2) During pendency of the appeal, the execution of the substantive jail sentence shall stand suspended.

(3) The applicant shall be released on bail on his executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

Application stands **disposed of**.

CRIMINAL APPEAL NO.318/2025

1. Heard. **ADMIT**. Record and proceedings be called for.

4. The appeal be listed for final hearing after preparation of the paper-book.

6. Learned Additional Public Prosecutor for the State waives notice.

(URMILA JOSHI-PHALKE, J.)