



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

CRIMINAL APPLICATION (APPA) NO.74 OF 2025
IN
CRIMINAL APPEAL NO.52 OF 2025

Bajrangi Lalchandprasad Gautam and another

Vs.

State of Maharashtra, through Police Station Officer, Police Station MIDC,
Nagpur

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

Court's or Judge's orders

Ms. Diksha M. Rohankar, Counsel for the applicant/appellants.
Mr. N. B. Jawade, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/03/2025

1. By this application, the applicants are seeking suspension of sentence and releasing them on bail.

2. Heard learned Counsel for the appellants who submitted that the appellants are convicted for the offence punishable under Section 304 part II read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and fine of Rs.5,000/- each, in default of payment of fine, they shall further undergo rigorous imprisonment for 6 months.

3. Learned Counsel for the applicant submitted that the appellants are having many

arguable points in the present appeal and the appeal would take its own time for its final disposal. Moreover, the punishment imposed is of a limited period. In the meantime, if the sentence is executed then purpose of preferring the appeal would frustrate.

4. Learned APP strongly opposed the said application on the ground that the appeal itself is devoid of merits.

5. On perusal of the entire evidence and the impugned judgment from which learned Counsel for the appellants have pointed out that she has many arguable points and moreover punishment imposed is of a limited period and the appeal not be decided in near future. Considering all these aspects, the application deserves to be allowed. Accordingly, I proceed to pass following order.:

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence passed in Sessions Case No.386/2021 is hereby suspended till disposal of the appeal.
- (iii) The appellant **No.(1) Bajrangi s/o Lalchandprasad Gautam and No.(2) Sushilkumar s/o Dipchand Gautam** shall be released on bail on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iv) The appellants shall furnish their detailed address along with the address proof. In addition two names of two relatives and their addresses along with address proof.

(v) They shall furnish their cell phone numbers before the trial Court.

6. The appellants shall remain present at the time of final hearing of the appeal.

7. The application is disposed of.

CRIMINAL APPEAL NO.52 OF 2025

1. The appeal is already admitted.
2. Record and proceeding is already received.
3. Appeal be listed before this Court for final disposal after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)