



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

CRIMINAL APPEAL NO.368 OF 2025

IrfanKhan @ Immu S/o RaufKhan Pathan, Tah & Dist. Wardha

vs.

The State of Maharashtra, Thr. PSO, PS Wardha City, Dist. Wardha

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

Court's or Judge's orders

Shri Manish Shivkumar Dube, Advocate for appellant.

Ms S. N. Thakar, Addl. Public Prosecutor for respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 17th SEPTEMBER, 2025

Criminal Application (APPA) No.655/2025

The appellant has filed appeal challenging the judgment and order dated 31/05/2025 passed by the learned Additional Sessions Judge, Wardha in Sessions Case No.83/2021 thereby convicting the appellant for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and sentencing him to suffer seven years rigorous imprisonment and fine of Rs.50,000/- in default rigorous imprisonment for six months.

2. This application is preferred by the applicant/appellant for suspension of sentence and grant of bail till disposal of the appeal.

3. The learned counsel for the applicant/appellant submitted that the impugned judgment has been passed without there being any cogent and convincing evidence to convict the applicant/appellant. He further submitted that during the trial, applicant/appellant was on bail and has not misused the liberty

granted by the Court. He also submitted that the appellant has already deposited the fine amount of Rs.50,000/- on 04/06/2025.

4. Learned Additional Public Prosecutor vehemently opposed the application and submitted that the offence committed by the applicant/appellant is of serious nature and if sentence is suspended, possibility of the applicant/appellant misusing the liberty granted by the Court cannot be ruled out.

5. Considering the nature of offence and the specific consequences of conviction of the applicant/appellant and the fact that the appeal is admitted, this Court is satisfied that a case is made out for suspension of sentence and release of the applicant/appellant on bail till final disposal of the appeal. However, it is clarified that this Court has not gone into the merits of the case which will be examined at the time of final hearing of the appeal.

6. Accordingly, the application is allowed. The sentence of conviction passed by the learned Additional Sessions Judge, Wardha in Sessions Case No.83/2021 convicting the applicant/appellant for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code stands suspended till final disposal of the appeal.

The applicant IrfanKhan @ Immu S/o RaufKhan Pathan shall be released on bail on his furnishing P. R. Bond in the sum of Rs.20,000/- with one solvent surety in the like amount.

7. The applicant shall not indulge into any illegal activities and shall attend the concerned police station i.e. Police Station

Wardha City, District Wardha on first Monday of every month between 11 am to 1 pm. The applicant shall appear before the Court as and when directed.

8. The learned Additional Public Prosecutor or the Investigating Officer is at liberty to seek cancellation of bail if any of the conditions is breached or for any other sufficient reason.

9. Criminal Application is disposed of in above terms.

(Nivedita P. Mehta, J.)