



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

CRIMINAL APPLICATION NO.634 OF 2025

IN

CRIMINAL APPEAL NO.358 OF 2025

(Ashish Chandrakant Dabhade 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. C.A. Babrekar, Advocate for the appellant.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 28, 2025.

By this application, the appellant is seeking suspension of sentence and releasing him on bail.

2. The appellant was charged for the offence punishable under Sections 353 and 294 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.2000/- in default to suffer rigorous imprisonment for 15 days of the offence punishable under Section 353. He is further convicted of the offence punishable under Section 294 of IPC and sentenced to suffer rigorous imprisonment for one month and to pay fine of Rs.1000/- in default to suffer rigorous imprisonment for 7 days.

3. Learned Counsel for the appellant submitted that the punishment imposed is of a limited period and he

has many arguable points in the present appeal. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, he be released on bail and the execution of sentenced be suspended.

4. Learned APP strongly opposed the application on the ground that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties and perused the impugned order from which learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. Moreover, punishment imposed is of a limited period. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 20/06/2025 passed by the Additional Sessions Judge, Achalpur in Special Case No.69/2021 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Ashish Chandrakant Dabhade be released on bail on executing P.R. Bond in the sum of Rs.15,000/- with one surety, in the like amount.

6. The application stands disposed of.

CRIMINAL APPEAL NO.358 OF 2025

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P.

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)