



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

Criminal Application (APPA) No. 689 of 2025

in

Criminal Appeal No. 394 of 2025

Tulshiram S/o Tenuji Meshram

Versus

**The State of Maharashtra through Police Station Officer, Police Station
New Kamptee, Nagpur**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.R.Thakur, Advocate h/f Shri L.B.Khergade,
Advocate for the applicant.

Ms. S.N.Thakur, APP for the non-applicant/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 22nd SEPTEMBER, 2025.

The present application is filed by the applicant under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for suspension of sentence and grant of bail.

2. The applicant has filed an appeal assailing the order of conviction passed by the learned Adhoc District Judge-6 and Additional Sessions Judge, Nagpur in Sessions Case No. 790 of 2021 for the offence under

Section 307 of Indian Penal Code and he is sentenced to suffer rigorous imprisonment for 7 years and to pay fine of Rs.10,000/- in default to pay said fine, he shall undergo simple imprisonment for six months. The appellant further convicted under Section 294 of Indian Penal Code and he is sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.1,000/-, in default to pay said fine, he shall undergo simple imprisonment for 15 days. The appellant also further convicted under Section 504 of Indian Penal Code and he is sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.1000/- in default to pay said fine, he shall undergo simple imprisonment for 15 days.

3. Learned counsel for the appellant submits that at present the age of the appellant is 75 years old. Learned counsel for the applicant submits that during the trial Court he was on bail and has not misused his liberty so granted. The learned counsel for the applicant

submits that appeal takes its own time and he has a fair chance to succeed in the appeal.

4. The application is strongly opposed by the learned Additional Public Prosecutor and contended that grievous injuries sustained by the victim. So also there were eye witnesses to the said incident. The possibility of threatening and tampering the prosecution witnesses, cannot be ruled out. Accordingly, prays for rejection of the application.

5. Having considered the submissions of both the sides, the age of the applicant, the nature of offence, period of sentence and the fact that the appeal is likely to take time for final hearing. This Court is of the opinion that it is a fit case to grant application for suspension of sentence.

6. Accordingly, the application is allowed. The sentence of conviction passed by the learned Adhoc District Judge-6 and Additional Sessions Judge, Nagpur in Sessions Case No. 790 of 2021 convicting the

applicant for the offence punishable under Sections 307, 294 and 506 of Indian Penal Code stands suspended till final disposal of the appeal.

7. The applicant shall be released on bail on his furnishing PR Bond in the sum of Rs.30,000/- with one solvent surety in like amount before the trial Court.

8. The applicant shall report to the learned Sessions Court on every 1st Saturday of each month and also furnish address proof and mobile number to the concerned Sessions Court.

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

10. The criminal application is disposed of.

[NIVEDITA P. MEHTA, J.]