



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

Criminal Application (APPA) No. 771 of 2025

in

Criminal Appeal No. 447 of 2025

Sandeep Sushil Nagachari

Versus

**State of Maharashtra through Police Station Officer, Police Station
Pachpaoli, Dist. Nagpur**

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

Court's or Judge's Order

Shri S.S.Sohoni, Advocate h/f Shri P.S.Jaiswal, Advocate
for the applicant.

Ms. S.N.Thakur, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 10th OCTOBER, 2025.

The present application is filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking suspension of sentence and grant of bail, pending final disposal of the criminal appeal preferred by the applicant.

2. The applicant has preferred an appeal challenging the judgment and order of conviction dated 3rd May, 2025, passed by the learned District Judge-9 and Additional Sessions Judge, Nagpur in Sessions Trial Case No. 328 of 2022.

3. By the impugned judgment, the applicant has been convicted and sentenced as under:

For the offence punishable under Section 304-B of the Indian Penal Code: Rigorous Imprisonment for ten years.

For the offence punishable under Section 306 of the Indian Penal Code: Rigorous Imprisonment for five years and a fine of ₹1,000/-, in default to undergo Rigorous Imprisonment for one month.

For the offence punishable under Section 498A of the Indian Penal Code: Rigorous Imprisonment for two years and a fine of ₹1,000/-, in default to undergo Rigorous Imprisonment for one month.

For the offence punishable under Section 3 of the Dowry Prohibition Act: Rigorous Imprisonment for five years and a fine of ₹15,000/-, in default to undergo Rigorous Imprisonment for six months.

For the offence punishable under Section 4 of the Dowry Prohibition Act: Rigorous Imprisonment for six months and a fine of ₹1,000/-, in default to undergo Rigorous Imprisonment for one month.

4. Learned counsel for the applicant submits that there are contradictions and omissions in the evidence of

the prosecution witnesses, which renders their testimonies unreliable. It is further contended that the key witnesses the deceased's father and sister are closely related to the deceased and hence are interested witnesses. Moreover, the neighbours of the deceased, who were examined during trial, have categorically deposed that there were no disputes between the applicant and his deceased wife.

5. It is further submitted that the applicant was on bail throughout the trial and has not misused the liberty granted. The applicant contends that he has a fair chance of succeeding in the appeal and that the hearing of the appeal is unlikely to take place in the near future. The applicant undertakes to abide by all terms and conditions imposed by this Hon'ble Court.

6. The application is opposed by the learned Additional Public Prosecutor, who submits that the prosecution has proved that the deceased was subjected to dowry harassment for an amount of ₹70,000/- and gold ornaments. It is further submitted that due to the ill-treatment and harassment, the deceased suffered a miscarriage and ultimately died under suspicious circumstances, attracting the provisions of Section 304-

B IPC. Hence, it is prayed that the application be rejected.

7. Upon hearing the parties and perusing the material placed on record, including the nature and gravity of the offence, the manner in which the incident is alleged to have occurred, and the fact that the appeal is not likely to be heard in the near future, this Court is of the considered opinion that a case for suspension of sentence is made out. Accordingly, the application is allowed.

8. The substantive sentence imposed upon the applicant by the learned District Judge-9 and Additional Sessions Judge, Nagpur in Sessions Trial Case No. 328 of 2022 is hereby suspended pending final disposal of the criminal appeal.

The applicant shall be released on bail on the following terms and conditions:

i. The applicant shall execute P.R. Bond in the sum of ₹25,000/- (Rupees Twenty-Five Thousand only) with one solvent surety in the like amount, to the satisfaction of the Trial Court.

ii. The applicant shall report before the Trial Court on the first Monday of every calendar month, until further orders.

iii. The applicant shall furnish his current residential address and mobile number to the concerned Sessions Court and shall inform the Court of any change in address or contact details without delay.

iv. It is clarified that the learned Additional Public Prosecutor and/or the Investigating Officer shall be at liberty to move for cancellation of bail in the event of breach of any of the above conditions or for any other sufficient cause.

The Criminal Application stands disposed of accordingly.

[NIVEDITA P. MEHTA, J.]