



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

Criminal Application (APPA) No. 861 of 2025

in

Criminal Appeal No. 502 of 2025

Siddhartha @ Golu Manikrao Kadbe

Versus

State of Maharashtra through Police Station Officer, Police Station
Narkhed, 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 J.V.Dhakate, Advocate for the applicant.

Shri Amit Chutke, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 18th NOVEMBER, 2025.

The present application is filed by the applicant 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.

2. The applicant has preferred Criminal Appeal challenging the judgment and order dated 03.09.2025, passed by the learned Additional Sessions Judge-1, Nagpur in Session Case No. 190 of 2020, whereby the applicant has been convicted for the offence punishable

under Section 304 Part-I of the Indian Penal Code, and sentenced to undergo rigorous imprisonment for a period of five year and to pay a fine of ₹500/-, in default whereof, to undergo rigorous imprisonment for a period of one month.

3. Learned counsel for the applicant submits that the informant, who is the son of the deceased, has not supported the prosecution case. It is further submitted that the sentence imposed upon the applicant is of short duration. The applicant was on bail throughout the trial and there is no allegation of misuse of liberty during that period. It is also contended that the applicant has a fair chance of succeeding in the appeal, which is not likely to be heard in the near future.

4. Per contra, the learned Additional Public Prosecutor opposes the application, submitting that the other eyewitnesses have supported the prosecution case and that the trial Court, upon proper appreciation of evidence, has rightly concluded that the prosecution has proved its case beyond reasonable doubt. It is therefore urged that the prayer for suspension of sentence be rejected.

5. Having considered the rival submissions, the nature and gravity of the offence, the sentence imposed,

the fact that the applicant was on bail during the trial without any misuse of the liberty granted, and further noting that the appeal is not likely to be taken up in the near future, this Court is of the view that the applicant has made out a case for suspension of sentence pending appeal. Accordingly, the application is allowed.

6. The substantive sentence imposed upon the applicants by the learned Additional Sessions Judge-1, Nagpur in Session Case No. 190 of 2020, is hereby suspended pending final disposal of the appeal.

The applicants shall be released on bail on the following conditions:

i) The applicant shall execute a Personal Recognizance Bond in the sum of ₹20,000/- (Rupees Twenty 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 1st day 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 forthwith.

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 aforementioned conditions or for any other sufficient cause.

The criminal application stands disposed of accordingly.

[NIVEDITA P. MEHTA, J.]