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

Criminal Application (APPA) No. 867 of 2025
in
Criminal Appeal Stamp No. 8724 of 2025

1. Sheikh Nasir @ Lala Sheikh Gulab
2. Sheikh Gulab Sheikh Ahmad
R/o Bharaswada, Tah. Ashti, Dist. Wardha

Versus

State of Maharashtra through Police Station Officer, Police Station Talegaon, Tah. Ashtiu, Dist. Wardha

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

Shri M.N.Rai, Advocate for the applicant.
Shri Amit Chutke, APP for the non-applicant/State.

CORAM : NIVEDITA P. MEHTA, J.
DATED : 16th OCTOBER, 2025.

The applicants have preferred this appeal assailing the judgment dated 08.07.2025 passed by the learned Sessions Judge, Wardha in Session Case No. 16 of 2015, thereby convicting the applicants under Section 325 read with Section 34 of the Indian Penal Code.

2. This is an application seeking condonation of delay of 30 days in filing the appeal against the judgment and order of conviction and sentence passed

by the learned Trial Court in Sessions Case No. 16/2015 dated 08.07.2025.

3. Learned counsel for the applicants submits that the applicants were under the bona fide impression that the sentence imposed upon them had been suspended for a period of three months. It is further submitted that due to financial constraints, the applicants were unable to avail appropriate legal remedies within the prescribed period. Hence, the present application has been filed seeking condonation of delay.

4. Per contra, learned Additional Public Prosecutor opposes the application, contending that the reasons assigned are not sufficient to constitute "sufficient cause" as required under law, and therefore, the application is liable to be rejected.

5. Upon considering the rival submissions and the explanation offered, this Court finds that the delay of 30 days is not inordinate and the cause shown is bonafide and reasonable. The applicants appear to have been under a genuine misapprehension regarding the suspension of sentence, coupled with financial difficulties which constrained them from filing the appeal in time. In the interest of justice, this Court is inclined to condone the delay.

6. Criminal application is disposed of.

Office is directed to register the appeal.

Criminal Appeal Stamp No. 8724 of 2025

Heard.

2. ADMIT.

3. Shri Chutke, learned Addl. Public Prosecutor waives service of notice on behalf of the respondent/State.

4. Call record and proceedings.

5. Registry is directed to prepare the paper book at the earliest.

Criminal Application No. _____ of Criminal Appeal Stamp No. 8724 of 2025

The present application is filed by the applicants 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 present application has been filed seeking suspension of sentence and release on bail pending the final disposal of the appeal preferred by the applicants.

3. The applicants have preferred Criminal Appeal Stamp No. 8724 of 2025, challenging the judgment and order dated 08.07.2025, passed by the learned Sessions Judge, Wardha in Sessions Case No. 16 of 2015, whereby the applicants have been convicted for the offence punishable under Section 325 read with Section 34 of the Indian Penal Code, and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹1,000/- each, in default whereof, to undergo simple imprisonment for a period of one month.

4. Learned counsel for the applicants submits that there are material discrepancies and inconsistencies in the testimony of prosecution witnesses, particularly with respect to the medical evidence, which does not corroborate the ocular version. It is further submitted that the applicants were on bail throughout the trial, and there is no allegation of misuse of liberty. The applicants also contend that they have a fair chance of succeeding in the appeal, which is not likely to be heard in the near future.

5. Per contra, learned Additional Public Prosecutor has opposed the application, contending that the offence is of a serious nature, and there exists a real

possibility of the applicants influencing or threatening prosecution witnesses, if released on bail.

6. Upon considering the rival submissions, the nature of the offence, the sentence imposed, the fact that the applicants were on bail during trial and did not misuse the liberty granted, and further considering that the appeal is not likely to be heard in the immediate future, this Court is of the considered opinion that a case for suspension of sentence pending appeal is made out. Accordingly, the application is allowed.

7. The substantive sentence imposed upon the applicants by the learned Sessions Judge, Wardha in Sessions Case No. 16 of 2015, is hereby suspended pending final disposal of the appeal.

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

i) The applicants shall execute a Personal Recognizance Bond in the sum of ₹20,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount, to the satisfaction of the Trial Court.

ii) The applicant no.1 only shall report before the Trial Court on the 1st Wednesday of every calendar month until further orders.

iii) The applicants 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.]