



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

Criminal Appeal No. 522 of 2025

1. Shri Ambadas Kisan Zite
 2. Dashrath Kisane Zite
 3. Yashwant Wardhaji Madane
 4. Mitharam Sitaram @ Ramaji Chormale
- All R/o Dist. Amravati

Versus

State of Maharashtra through Police Station Officer Police Station Pathrot,
Tahsil Achalpur, Dist. Amravati

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

Court's or Judge's Order

Shri M.P.Kariya, Advocate for the applicant.
Shri S.S.Hulke, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.
DATED : 16th OCTOBER, 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 (APPA) No. 889 of 2025

The present application is filed by the applicants under Section 389 of the Criminal Procedure Code read with 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 applicants have preferred an appeal challenging the judgment and order of conviction dated 16th September, 2025, passed by the learned Additional Sessions Judge, Achalpur in Sessions Case No. 8 of 2020. By the said judgment, the applicants have been convicted for the offence punishable under Section 332 read with Section 34 of the *Indian Penal Code* and sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of ₹2,000/- each, in default whereof, to further undergo simple imprisonment for a period of 15 days each.

3. Learned counsel for the applicants submits punishment imposed by the trial Court is of short term and the applicants have been on bail through out the trial. It is further submitted that the applicants have a fair chance of succeeding in the appeal and that the appeal is unlikely to be heard in the near future.

5. The application is opposed by the learned Additional Public Prosecutor, who submits that there exists a real possibility of the applicants influencing or threatening prosecution witnesses, and hence the application may be rejected.

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

7. The substantive sentence imposed upon the applicants by the learned Additional Sessions Judge, Achalpur in Sessions Case No. 8 of 2020, 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 ₹5,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount, to the satisfaction of the Trial Court.

ii) The applicants shall report before the Trial Court on the 1st day 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.]