



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

**Criminal Application (APPA) No. 936 of 2025**

**in**

**Criminal Appeal Stamp No. 9497 of 2025**

Wajid Khan Tohid Khan

**Versus**

The State of Maharashtra through Police Station MIDC, Akola and Tah  
and Dist. Akola

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

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Court's or Judge's Order

Shri P.K.Dahat (Appointed) Advocate for appellant.

**CORAM : NIVEDITA P. MEHTA, J.**

**DATED : 13<sup>th</sup> NOVEMBER, 2025.**

The applicant has preferred this appeal assailing the judgment dated 03.05.2025 passed by the learned Sessions Judge, Akola in Special Case (Child Pro.) No. 85 of 2020, thereby convicting the applicant under Sections 354, 354(1)(i), 452 and 506 of the Indian Penal Code.

2. The present application is filed seeking condonation of delay of 42 days in preferring the appeal against the said sentence.

3. Learned counsel for the applicant submits that the applicant had sought legal assistance from the

High Court Legal Aid Sub-Committee, Nagpur. Pursuant thereto, legal aid was granted and counsel was appointed to represent the applicant. It is submitted that after the appointment of the counsel, necessary communication was established with the appellant, during which period a delay of forty-two (42) days occurred in preferring the appeal. Learned counsel further submits that if the delay is not condoned, the statutory right of the appellant to prefer an appeal would stand frustrated. Accordingly, he prays that the delay be condoned.

3. Per contra, learned Additional Public Prosecutor has strongly opposed the application, contending that no sufficient cause has been shown for condonation of delay and that the application is liable to be rejected.

4. Having considered the rival submissions and upon perusal of the material on record, this Court is of the considered opinion that the explanation offered by the applicant constitutes sufficient cause for condonation of delay. Accordingly, the delay of forty-two (42) days in filing the appeal is condoned. The office is directed to register the appeal.

The criminal application stands disposed of accordingly.

Criminal Appeal Stamp No. 9497 of 2025

Heard.

2. **ADMIT.**
3. Shri S.S.Hulke, learned Addl. Public Prosecutor waives service of notice on behalf of the respondent no.1/State.
4. Call record and proceedings.
5. Registry is directed to prepare the paper book.

Criminal Application No. \_\_\_\_\_ of Criminal  
Appeal Stamp No. 9497 of 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 Stamp No. 9497 of 2025, challenging the judgment and order dated 03.05.2025, passed by the learned Special Judge, Akola in Special Case (Child Pro.) No. 85 of 2020, whereby the applicant has been convicted for the offence punishable under Section 354 of the Indian Penal Code, and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine

of ₹500/-, in default whereof, to undergo rigorous imprisonment for a period of one month. He has been further convicted for the offence punishable under Section 452 of the Indian Penal Code, and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹500/-, in default whereof, to undergo rigorous imprisonment for a period of one month. He has been further convicted for the offence punishable under Section 506 of the Indian Penal Code, and sentenced to undergo rigorous imprisonment for a period of six months 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 sentence imposed upon the applicant is of a short duration. It is further submitted that the applicant was on bail throughout the course of 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, learned Additional Public Prosecutor has opposed the application, contending that the offence alleged is of a serious nature and that there

exists a real possibility of the applicant influencing or threatening prosecution witnesses if released on bail.

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

7. The substantive sentence imposed upon the applicants by the learned Special Judge, Akola in Special Case (Child) No. 85 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 ₹15,000/- (Rupees Fifteen 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 2<sup>nd</sup> 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.]**