



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

Criminal Appeal No.618 of 2025

Janardhan s/o Natthu Jivantare and others

vs.

*State of Maharashtra, Through the Officer-in-Charge, Police Station Pauni, Tah.
Pauni, District Bhandara and another*

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. S.N. Nandeshwar, Advocate for the Appellants.
Ms. S.N. Thakur, A.P.P. for Respondent No.1.*

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

DATE : **23rd DECEMBER, 2025.**

Heard.

2. **Admit.**

3. The learned A.P.P. waives service of notice on behalf of respondent No.1/State.

4. Call record and proceedings.

5. Registry is directed to prepare the paper-book.

Criminal Application [APPA] No.1025/2025:

Heard

2. The applicants have preferred the present appeal challenging the judgment and order dated 20.11.2025 passed by the learned Sessions Judge, Bhandara, in Sessions Case No.69 of 2023, whereby the applicants came to be convicted for the offences punishable under Sections 294 and 504 read with Section 149 of the Indian Penal Code.

3. The present application has been filed by the applicants under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking

suspension of sentence and grant of bail pending disposal of the appeal.

4. Learned Counsel appearing for the applicants submits that the applicants were on bail throughout the course of the trial and did not misuse the liberty so granted. It is further submitted that the learned Trial Court failed to properly appreciate the evidence of the prosecution witnesses in its correct perspective and has erroneously convicted the applicants. According to learned Counsel, the applicants have an arguable case on merits and, considering that the sentence imposed is of short duration, the applicants are entitled to suspension of sentence pending the appeal.

5. Per contra, learned Additional Public Prosecutor opposes the application, submitting that if the sentence is suspended, there is a likelihood of the applicants indulging in similar activities. It is further submitted that, upon due appreciation of the evidence adduced by the prosecution, the learned Trial Court has rightly held the applicants guilty, and therefore, no interference by this Court is warranted.

6. Having considered the rival submissions and taking into account the fact that the applicants were on bail throughout the trial without any complaint of misuse of liberty, coupled with the fact that the appeal is not likely to be heard and decided in the near future, this Court is of the considered opinion that the applicants have made out a case for suspension of sentence and grant of bail pending disposal of the appeal. Hence, the following order is passed:

ORDER

- i. The application is allowed.
- ii. The substantive sentence imposed upon the applicants by the learned Sessions Judge, Bhandara in Sessions Case No.69/2023 is

hereby suspended pending final disposal of the appeal.

- iii. The applicants shall be released on bail on their executing P.R. Bond each in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court.
- iv. The applicants shall report before the trial Court on the first Monday of every calendar month initially for two months.
- v. The applicants shall furnish their Mobile Number(s) as well as their residential addresses to the concerned Sessions Court and shall inform the Court of any change in address or contact details forthwith.
- vi. It is clarified that the learned A.P.P. 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.
- vii. The application stands disposed of accordingly.

JUDGE

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