



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

Criminal Appeal No.619 of 2025

Nikhil @ Nikhilesh s/o Shriram Kele

vs.

The State of Maharashtra, Through P.S.O., P.S. Dongaon, Dist. Buldhana

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

Court's or Judge's Orders

Mr. Sachin Zoting, Advocate for the Appellant.

Mr. A.R. Chutke, A.P.P. for the Respondent/State.

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 the respondent/State.

4. Call record and proceedings.

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

Criminal Application [APPA] No.1027/2025:

Heard

2. The applicant has preferred the present appeal challenging the judgment and order dated 09.12.2025 passed by the learned Additional Sessions Judge, Mehkar, in Sessions Case No.468 of 2019, whereby the applicant came to be convicted for the offence punishable under Section 307 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for five years and to pay a fine of

₹20,000/-, in default, to suffer simple imprisonment for one month.

3. The present application has been filed by the applicant 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 applicant submits that the applicant was 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 has failed to properly appreciate the evidence of the prosecution witnesses in its correct perspective and has erroneously convicted the applicant. According to learned Counsel, the applicant has an arguable case on merits and, considering that the sentence imposed is of short duration, the applicant is 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 applicant indulging in similar activities. It is further submitted that, upon due appreciation of the evidence led by the prosecution, the learned Trial Court has rightly come to the conclusion that the applicant committed the offence and, therefore, no interference by this Court is warranted.

6. Having considered the rival submissions and taking into account the fact that the applicant was on bail throughout the trial without any allegation 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 applicant has 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 applicant by the learned Additional Sessions Judge, Mehkar in Sessions Case No.468/2019 is hereby suspended pending final disposal of the appeal.
- iii. The applicant shall be released on bail on his executing P.R. Bond 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 applicant shall report before the trial Court on the first Monday of every calendar month initially for two months.
- v. The applicant shall furnish their Mobile Number(s) as well as his 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.

Humdast is granted to the counsel for applicant as prayed
for.

JUDGE

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