



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

CRIMINAL APPLICATION (APPA) NO. 107 of 2025 IN
CRIMINAL APPEAL NO.64 OF 2025

Salman Shahid Shaha

Vs.

State of Maharashtra, through PSO, PS Tahsil Nagpur

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

Mr Muzammil Husain, Advocate for the appellant.

Ms Trupti Udeshi, APP for the State.

CORAM : G.A. SANAP, J.
DATE : 31.01.2025

Heard.

2. **ADMIT.**
3. Issue notice to the respondent.
4. Learned APP waives service of notice on behalf of respondent/State.
5. Call for record and proceedings.

CRIMINAL APPLICATION (APPA) NO.107/2025

1. Heard learned Advocate for the appellant and learned APP for the respondent/State.
2. This is an application filed by the appellant/accused for suspension of sentence and grant of bail.
3. The appellant/accused has been convicted by the learned Adhoc District Judge-6 and Additional

Sessions Judge Nagpur in Sessions Case No.438/2022 vide judgment and order dated 03.01.2025 for the offences punishable under Sections 353 and 332 of the Indian Penal Code (for short "I.P.C."). He is sentenced to suffer simple imprisonment for two years with fine of Rs.1,000/-, in default of payment of fine to suffer further simple imprisonment for two months for the offence punishable under Section 353 of the I.P.C. He is further sentenced to suffer simple imprisonment for one year with fine of Rs.500/- in default of payment of fine further suffer simple imprisonment for one month for the offence punishable under Section 332 of the I.P.C.

4. It is the case of the appellant that he has good case on merits. It is further stated that during pendency of the appeal, he was on bail. There is no grievance of misuse of bail conditions by him. It is stated that appeal may take its own time for final adjudication. The appellant has deposited the fine amount. The appellant, therefore, submits that during pendency of the appeal, his sentence may be suspended and he may be released on bail.

5. The State opposed the application.

6. The appeal filed by the appellant has been admitted. The final adjudication of the appeal would take its own time. The substantive sentence awarded

under Sections 353 and 332 of the I.P.C. is two years and one year respectively. There is no grievance with regard to the breach of the conditions of the bail during the pendency of the trial. In my view, considering the fact that this appeal would take its own time for final adjudication and the sentence is of two years imprisonment, it would be just and proper to allow the application and suspend the sentence.

7. Accordingly, the application is allowed.

i) The sentence awarded by the learned Adhoc District Judge-6 and Additional Sessions Judge, Nagpur in SC No.438/2022 vide judgment and order dated 03.01.2025 shall remain suspended during pendency of the appeal.

ii) Appellant- Salman Shahid Shaha be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) and one surety in the like amount .

iii) Bail before the Trial Court.

8. Criminal Application stands disposed of.

(G. A. SANAP, J.)