

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

CRIMINAL APPEAL NO.65 OF 2025

Jaiyas @ Jay Milu Sonkusare
 Vs.

State of Maharashtra, through PSO, PS Amgaon, Tah. Amgaon Dist. Gondia

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

Mr V.R. Borkar, Advocate for the appellant.

Mr A.G. Mate, 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.108/2025

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 Special Judge (Under Atrocities Act) &

Sessions Judge, Gondia in Spl. (Atro) Case No.41/2019 vide judgment and order dated 03.12.2024 for the offence punishable under Section 506 of the Indian Penal Code (for short "I.P.C."). He is sentenced to suffer rigorous imprisonment for one year with fine of Rs.2,000/-, in default of payment of fine to suffer further rigorous imprisonment for two months for the offence punishable under Section 506 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 appellant has moved application for suspension of sentence before the trial Court and trial Court has suspended his sentence. 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 Section 506 of the I.P.C is one year. 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 one year 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 Special Judge (Under Atrocities Act) and Sessions Judge, Gondia in Special (Atro) Case No.41/2019 vide judgment and order dated 03.12.2024 shall remain suspended during pendency of the appeal.

ii) Appellant- **Jaiyas @ Jay Milu Sonkusare** 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.)