



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

**CRIMINAL APPLICATION (APPA) NO. 945/2025**

**IN**

**CRIMINAL APPEAL NO.558/2025**

**Sanjay S/o Radheshyam Gaidhane Vs. State of Maharashtra, through  
Police Station Officer, Police Station Goregaon**

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|--------------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda<br>of Coram, Appearances, Court's<br>orders or directions and<br>Registrar's orders | Court's or Judge's orders |
|--------------------------------------------------------------------------------------------------------------------|---------------------------|

Ms. Radha Mishra, Advocate for Appellant  
Mr. A.R. Chutke, APP for Respondent

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

**DATED : 17<sup>th</sup> NOVEMBER, 2025**

**CRIMINAL APPEAL NO.558/2025**

Heard.

**ADMIT.**

Call R & P.

The learned Additional Public Prosecutor  
waives service of notice for respondent no.1.

Issue notice to the respondent No.2, returnable  
on 12.12.2025.

**CRIMINAL APPLICATION (APPA) NO. 945/2025**

The applicant has filed the present appeal  
before this Court, challenging the judgment and order  
dated 16.09.2025 & 17.09.2025, passed in Special

Case No. 152/2021 by the learned Special Judge [Under Special Act] & Sessions Judge, Gondia.

2. The applicant stands convicted for the following offences:

i. Section 354 of the Indian Penal Code (IPC) – sentenced to suffer rigorous imprisonment for 2 years and to pay fine of Rs.2000/- in default to suffer further rigorous imprisonment of 1 month;

ii. Section 323 of the IPC – sentenced to suffer rigorous imprisonment for 6 months and to pay fine of Rs.1000/- in default to suffer further rigorous imprisonment of 1 month;

iii. Section 506 of the IPC – sentenced to suffer rigorous imprisonment for 2 years and to pay fine of Rs.1000/- in default to suffer further rigorous imprisonment of 1 month;

iv. Section 509 of the IPC – sentenced to suffer rigorous imprisonment for 1 year and to pay fine of Rs.1000/- in default to suffer further rigorous imprisonment of 1 month.

3. The learned counsel for the applicant submits that the sentence imposed by the Trial Court is of a short duration. He further submits that the applicant was on bail throughout the course of the trial and did not, at any point, misuse the liberty so granted. It is also pointed out that the learned Trial Court has already suspended the sentence until 17.10.2025 to

enable the applicant to prefer an appeal within the statutory period. The counsel contends that the applicant has a strong prima facie case on merits and a fair likelihood of success in the appeal.

4. Per contra, the learned Additional Government Pleader opposes the application, submitting that there exists a possibility that the applicant may misuse the liberty if released. He therefore prays for the rejection of the request for suspension of sentence.

5. Upon consideration of the rival submissions, the nature of the offence, the sentence imposed, and the fact that the appeal is likely to be taken up for hearing in the near future, this Court is of the considered view that the applicant has made out a case for suspension of sentence pending disposal of the appeal.

6. Accordingly, the application is allowed. The substantive sentence imposed by the learned Special Judge [Under Special Act] & Session Judge, Gondia, in Special Case No. 152/2021, vide judgment and order dated 16.09.2025 & 17.09.2025, is hereby suspended, subject to the following terms and conditions:

I. The applicant/appellant shall be released on bail upon furnishing a personal bond of Rs. 20,000/- with one solvent surety in the like amount before the trial Court.

II. The applicant shall report before the concerned

trial Court on the first Thursday of 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 forthwith of any change in address or contact number.

The application stands disposed of accordingly.

**(NIVEDITA P. MEHTA, J.)**

*MP Deshpande*