



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

CRIMINAL APPLICATION (APPA) NO.1028/2025
IN
CRIMINAL APPEAL NO. 621/2025

**Ankush S/o Jaganrao Thakare Vs. State of Maharashtra, Through its
Police Station Officer, Chandur Railway**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.A.N. Shinde, Advocate for Applicant
Mrs. H.N. Prabhu, APP for Respondent

CORAM: NIVEDITA P. MEHTA, J.

DATED : 24th DECEMBER, 2025

1. The present application is filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by the applicant/appellant seeking suspension of sentence and release on bail pending final disposal of the appeal. The applicant has challenged the judgment and order dated 28.11.2025, passed by the learned Adhoc District Judge-2 and Additional Sessions Judge, Amravati, in Sessions Case No. 344/2021, whereby the applicant-accused came to be convicted for the offence punishable under Section 353 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.500/-, in default to suffer simple imprisonment for one month, and further convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment

for one year and to pay a fine of Rs.500/-, in default to suffer simple imprisonment for one month.

2. Learned counsel for the applicant submits that the applicant was on bail throughout the course of the trial and has never misused the liberty so granted. It is further submitted that there are material contradictions and omissions in the testimony of the prosecution witnesses, giving rise to arguable issues on merits. Learned counsel also submits that the appeal is not likely to be taken up for final hearing in the near future and, therefore, prays for suspension of sentence.

3. Per contra, learned Additional Public Prosecutor appearing for the respondent–State opposes the application and submits that the trial Court, after appreciating the evidence on record, has rightly convicted the applicant. It is further contended that if the sentence is suspended, the possibility of the applicant misusing the liberty cannot be ruled out and, therefore, no indulgence be shown.

4. I have considered the rival submissions and perused the record. It is not in dispute that the applicant was on bail throughout the trial and there is no material on record to indicate misuse of liberty. The sentence imposed is for a short term, and the appeal is likely to take its own time for final disposal. Without entering into the merits of the case at this

stage, this Court is of the considered view that a case is made out for suspension of sentence.

Accordingly, the application stands allowed.

5. Hence, the substantive sentence imposed upon the applicant in Sessions Case No. 344/2021 dated 28.11.2025, passed by the learned Adhoc District Judge-2 and Additional Sessions Judge, Amravati is hereby suspended till the final disposal of the appeal. The applicant shall be released on bail on the following conditions:

- I. The applicant shall execute a Personal Bond of Rs. 10,000/- with one solvent surety in the like amount to the satisfaction of the trial Court.
- II. The applicant shall report to the trial Court on any Monday in three months, until further orders.
- III. The applicant shall furnish his current residential address and mobile number to the concerned trial Court and shall inform the Court promptly in case of any change in address or contact details.

The criminal application stands disposed of accordingly.

CRIMINAL APPEAL NO. 621/2025

Heard.

ADMIT.

Call R & P.

The learned Additional Public Prosecutor
waives service of notice for respondent/State.

List the matter on 20.01.2026.

(NIVEDITA P. MEHTA, J.)

MP DeshpandeA