

IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

CRIMINAL APPEAL NO. 26/2024.

(CNR NO.MHGO010010672024)

Narendra Hedau -Vs- State, PSO, Tirora

ORDER BELOW EXH. 04.

(Passed on this 23rd day of July, 2024)

This is an application filed by convict/appellant **Naresh Dulichand Hedau** for suspension of sentence and his release on bail under Sec. 430 of Bhartiya Nagarik Suraksha Sanhita.

2] It is the contention of appellant that he has been tried for offence punishable under Sec. 354, 451 & 509 of IPC and he has been convicted for those offences by learned JMFC, Tirora on 27/06/2024 in Reg. Criminal Case No. 02/2022 arising out of Crime No.940/2021 of P. S. Tirora. It is further contended that he was on bail through out the trial. He has not committed breach of any condition of bail. There are ample chances of his succeeding in appeal. Accordingly, he made prayer in above terms.

3] Learned DGP Shri Chandwani has filed say on application itself and opposed the application on the ground that there is no possibility of appellant remaining present on each dates. Accordingly, prayed to reject the application.

4] It is pertinent to note that in view of Sec. 415(3) of BNSS statutory right of appeal is provided to the convict to prefer appeal before this Court when he has been convicted by

the Magistrate of First Class. The grounds raised in appeal requires consideration. The appellant was on bail during trial. He has already deposited fine amount imposed by learned Magistrate in pursuance of judgment dated 27/06/2024. In such circumstances, no purpose would be served to keep the appellant behind bars. Decision of appeal would takes it own time. In above set of facts, invoking powers under Sec. 430(1) of BNSS, I find it just to suspend substantive sentence impose against him and to release him on bail bonds. Hence, I pass following order.

ORDER

- 1] Application [Exh.04] is allowed.
- 2] Sentence imposed by impugned judgment dated 27/06/2024 in Regular Criminal Case No. 02/2022 is hereby suspended till conclusion of the appeal.
- 3] Pending appeal, the appellant be released on his executing PR bond of Rs.25000/- and furnish one surety in like amount.
- 4] Appellant to furnish bail before the trial court.
- 5] Accordingly application stands disposed of.

Gondia.
Dated: 23.07.2024.

(M. T. Asim)
District Judge-1 & ASJ,
Gondia.