



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

911 CRIMINAL APPLICATION NO. 21 OF 2025 IN APPEAL/8/2025

Shaikh Kabir Afsar Nazir

VERSUS

The State Of Maharashtra

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Mr. R.G. Nirmal, Advocate for Applicant

Mr. N.D. Batule, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 16 JANUARY 2025

PER COURT :-

1. Heard.
2. Issue notice to respondent. Learned APP waives service of notice for respondent – State.
3. This is an application for suspension of sentence and grant of bail as a result of conviction recorded by learned Additional Sessions Judge, Udgir in Sessions Case No.50 of 2018 for commission of offence punishable under Section 353 of the Indian Penal Code.
4. Learned counsel for applicant submitted that, applicant is held guilty for offence punishable under section 353 of the Indian Penal Code and he is sentenced to suffer rigorous

imprisonment for six months. That, he was on bail during trial and even after conviction, learned trial court was pleased to suspend the sentence. That, fine amount is already paid. That, appeal has been preferred against the said impugned judgment of conviction. However, it being of the year 2025 and according to learned counsel, as there are no immediate prospects of hearing the appeal, he urged for suspension of sentence and grant of bail.

3. The above application is opposed by learned APP on the ground that, on full fledged trial, he is held guilty for offence punishable under Section 353 of IPC as he obstructed the police official for performing duty. Therefore, learned APP prays for rejection of application.

4. After considering the submissions, nature of accusation, quantum of sentence, and as as there are no immediate prospects of hearing the appeal, which is of the year 2025, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

(I) Criminal Application stands allowed.

- (II) The substantive sentence imposed on the applicant Shaikh Kabir Afsar Nazir in Sessions Case No.50 of 2018 by learned Additional Sessions Judge, Udgir on 16.11.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.8 of 2025.
- (III) The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.
- (IV) The applicant shall not commit any criminal activity.
- (V) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.
- (VI) In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.
- (VII) Bail before the trial court.

ABHAY S. WAGHWASE,
JUDGE