



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

958 CRIMINAL APPLICATION NO. 765 OF 2025
IN CRIMINAL APPEAL/136/2025

1. Sk. Aslam Sk. Akbar,
Age : 42 years, Occ. : Mechanic,
2. Sk. Afzal Sk. Akbar,
Age : 35 years, Occ. : Business,
3. Sk. Abrar Sk. Akbar,
Age : 30 years, Occ. : Mechanic,

All R/o. : Kumbharwada, Daulatabad,
Tq. and Dist. Aurangabad

APPLICANTS

VERSUS

1. The State of Maharashtra
(At the instance of Daulatabad
Police Station, Aurangabad)

RESPONDENT

...

Mr. A.K. Bhosle - Advocate for Applicants
Mr. P.K. Lakhotiya - APP for sole Respondent, State

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 25.03.2025

PER COURT :

1. This is an application for suspension of sentence and grant of bail on account of conviction recorded by learned Additional Sessions

Judge - 4, Aurangabad dated 13.02.2025 in Sessions Case No.428 of 2022.

2. Learned Counsel pointed out that applicants were tried by learned Additional Sessions Judge - 4, Aurangabad for commission of offence under Sections 353, 323, 447, 504 and 506 read with 34 of Indian Penal Code and they were held guilty for the aforesaid offences and awarded sentence to suffer rigorous imprisonment for six months and to pay fine, against which he has been preferred appeal. However, the same is of 2025 and there are no immediate prospects of matter being heard and decided in the near future. That, applicants were on bail during the trial. That, fine amount is paid. Therefore, above prayers are raised.

3. Learned A.P.P. opposed the application on the ground that on full-fledge trial, guilt has been recorded and serious offence is established to be committed.

4. After considering the above submissions and on going through the papers, it appears that, applicants were booked for offence under Sections 353, 323, 447, 504 and 506 read with 34 of Indian Penal Code and on being chargesheeted, the applicants were tried by learned Additional Sessions Judge - 4, Aurangabad, who after

accepting the case of prosecution, convicted the applicants for the offence punishable under Sections 353, 323 and 447 of the Indian Penal Code.

5. Though they are convicted for the aforesaid offence, maximum sentence is of six months. Fine imposed is already reported to be paid. Applicants were said to be on bail during trial. As appeal against above judgment and order is of 2025 and obviously it would take long time to be heard and decided, 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 applicants in Sessions Case No.428 of 2022 by learned Additional Sessions Judge - 4, Aurangabad, on 13.02.2025 stands suspended till the final hearing and disposal of Criminal Appeal No.136 of 2025.
- (iii) The applicants be released on P.R. Bond of Rs.15,000/- (rupees Fifteen Thousands only) each, with two solvent sureties by each, in the like amount.

(iv) The applicants shall not commit any criminal activity.

(v) The applicants shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date they tender bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.

(vi) In case of two consecutive defaults on the part of the applicants 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 applicants.

(vii) Bail before the trial Court.

[ABHAY S. WAGHWASE, J.]

Pooja Kale