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

CRIMINAL APPLICATION NO. 1351 OF 2025

IN

CRIMINAL APPEAL NO. 256 OF 2025

1. Abdul Majid Momin Abdul Ajij Momin

Age: 58 years, Occ.: Business,

R/o. Sadat Nagar, Near Madina Masjid,
Aurangabad.

2. Adil Faki Abdul Majid Momin,

Age: 28 years, Occ.: Business,

R/o. Sadat Nagar, Near Madina Masjid,
Aurangabad.

3. Asim Razi Momin Abdul Majid Momin

Age: 27 years, Occ.: Business,

R/o. Sadat Nagar, Near Madina Masjid,
Aurangabad.

... Applicants

VERSUS

The State Of Maharashtra

... Respondent

.....

Mr. Nilesh S. Ghanekar, Advocate for Applicants

Mr. V.M. Chate, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 16 APRIL 2025

PER COURT :-

1. Not on board. Taken on Board.

2. Heard.

3. Issue notice to respondent – State. Learned APP waives
service of notice for respondent – State.

4. Present application is for suspension of sentence and grant of bail on account of conviction order passed by learned Additional Sessions Judge, Aurangabad in Sessions Case No.107 of 2018.

5. Learned counsel for applicants pointed out that, present applicants were tried by the learned Additional Sessions Judge, Aurangabad for commission of offence under sections 324 and 326 r/w Section 34 of Indian Penal Code in Sessions Case No.107 of 2018. That, judgment has been rendered on 28.03.2025 holding applicants guilty for above offences and they are sentenced to suffer R.I. for two years and to pay fine of Rs.5,000/- each for offence under Section 324 of IPC and R.I. for three years and to pay fine of Rs.5000/- each for offence under Section 326 of IPC. That, exception has been taken to the above judgment by filing appeal, however, appeal being of 2025, there are no prospects of hearing the appeal in near future. He submitted that, applicants were on bail during trial and fine amount is already deposited by the applicants. Therefore, relief of suspension of sentence and grant of bail are pressed into service.

6. Learned APP opposed on the ground that on full-fledge trial guilt has been recorded and there is every possibility of misuse of liberty.

7. After considering the submissions and on going through the papers, it appears that, vide judgment and order dated 28.03.2025 passed in Sessions Case No.123 of 2018, present applicants are held guilty for offences punishable under sections 324 and 326 r/w Section 34 of IPC. Apparently, maximum sentence awarded is of three years and to pay fine. Applicants are said to be on bail during trial and the fine amount is said to be deposited. 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, namely, (1) Abdul Majid Momin Abdul Ajij Momin, (2) Adil Faki Abdul Majid Momin and (3) Asim Razi Momin Abdul Majid Momin in Sessions case No.107 of 2018 by learned Additional Sessions Judge, Aurangabad on 28.03.2025 stands suspended till the final hearing and disposal of Criminal Appeal No.256 of 2025.

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- (iii) The applicants be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each with two solvent sureties 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 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 applicants.
- (vii) Bail before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**