



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

**CRIMINAL APPLICATION NO. 1601 OF 2025
IN
CRIMINAL APPEAL NO.318 OF 2025**

1. Allabaksh Mehmood Bhagwan
Age: 24 years, Occu.: Labour.
2. Javed Ismail Bhagwan
Age: 26 years, Occu.: Labour.
3. Aakib Latif Bhagwan
Age: 24 years, Occu.: Labour.
4. Nadim Yusuf Bhagwan
Age: 25 years, Occu.: Labour.

All R/o. : Bhagwan Lane, Nandurbar,
Tq. & Dist.Nandurbar.

..Applicants

Versus

1. The State of Maharashtra
Through Police Station Office,
City Police Station,
Nandurbar, Tq. & Dist.Nandurbar.
2. Manoj Sudam Sonwane
Age: 29 years, Occu.: Service,
R/o. : Dr.Babasaheb Ambedkar Chowk,
Tq. & Dist.Nandurbar.

..Respondents

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Advocate for Applicants : Mr.Akram Inamdar h/f. Mr.S.S.Kazi
APP for Respondent no.1 : Mr.VM.Jaware

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 06 MAY, 2025

ORDER :

1. Not on board. Taken on board.
2. Issue notice to the respondents. Learned APP waives service of notice for respondent no.1.
3. Present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Special Judge (Atrocity) and Additional Sessions Judge, Nandurbar in Special Case (Atrocity) No.01 of 2021 dated 21-04-2025 for offence under Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and under Section 506 r/w 34 of the Indian Penal Code (IPC).
4. Learned counsel pointed out that applicants were tried vide above special case and vide judgment and order dated 21-04-2025 they have been held guilty. He submitted that maximum sentence awarded is for three years. That, applicants were on bail during trial. That, fine amount is paid. That, learned trial Judge had granted interim relief till appeal period is over. Therefore, he prays for relief of suspension of sentence and grant of bail.

5. Learned APP submits that on full-fledge trial, conviction has been recorded. He also apprehends misuse of liberty, if bail is granted.

6. Perused the papers. After considering the above submissions that applicants were on bail during trial, fine amount is deposited, learned trial Court had granted interim relief till appeal period is over and taking into account quantum of sentence, and appeal being of 2025, as there are no prospects of appeal being heard and decided in near future, relief as prayed deserves to be granted. Hence, following order :

ORDER

(i) Criminal Application stands allowed.

(ii) The substantive sentence imposed on the applicants

(a) Allabaksh Mehmood Bhagwan (b) Javed Ismail Bhagwan (c) Aakib Latif Bhagwan (d) Nadim Yusuf Bhagwan in Special Case (Atrocity) No.01 of 2021 by the learned Special Judge (Atrocity) and Additional Sessions Judge, Nadurbar on 21-04-2025, stands suspended till the final hearing and disposal of Criminal Appeal No.318 of 2025.

(iii) The applicants be released on PR. Bond of Rs.15,000/- (Rs. Fifteen thousand only) each with two solvent sureties in the like amount each.

(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 he tenders 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 the bail granted to the applicants.

(vii) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE