



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

**CRIMINAL APPLICATION NO. 1863 OF 2025
WITH
CRIMINAL APPLICATION NO. 1864 OF 2025
IN
CRIMINAL APPEAL NO. 372 OF 2025**

Asif Gaffar Shah
Versus
The State of Maharashtra

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- Mr. S. G. Nandedkar, Advocate for the applicants
- Mr. G. A. Kulkarni, APP for Respondent/State

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**CORAM : ROHIT W. JOSHI, J.
(VACATION COURT)**

DATE : 27th MAY, 2025

ORDER :

1. Not on board. On being mentioned, taken on board.
2. These applications are filed for suspension of substantive sentence and grant of bail on account of conviction recorded by Special Judge (ACB) and Additional Sessions Judge, Nandurbar in Special ACB Case No. 03 of 2014 for offence punishable under sections 353, 323 and 506 r/w section 34 of Indian Penal Code.
3. The appellant is convicted for the offence punishable under Section 353 of the Indian Penal Code, 1860 to suffer rigorous

imprisonment of two years and he is also convicted for offence punishable under Section 323 of the Indian Penal Code, 1860 to suffer simple imprisonment for three months. Both the sentences are to run concurrently. The appeal is of the year 2025 and is not likely to be heard finally in near future. The appeal preferred by accused no. 2 – Goraksh Baban Palve is admitted and substantive sentence is ordered to be suspended till the final hearing of the appeal.

4. In view of the above, it will be expedient to suspend substantive sentence of the appellant and to release him on bail, pending the final disposal of the year. Hence the following order:-

ORDER

- (i) Criminal applications stand allowed.
- (ii) The substantive sentence imposed on the applicant Asif Gaffar Shah in Special ACB Case No. 03 of 2014 by learned Special Judge (ACB) and Additional Sessions Judge, Nandurbar on 29.04.2025 stands suspended till the final hearing and disposal of Criminal Appeal No. 372 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.

[ROHIT W. JOSHI]
JUDGE

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