



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

**CRIMINAL APPLICATION NO. 754 OF 2025
IN APEAL/132/2025**

Mujakkir Riyajuddin Shaikh Riyajuddin
And Another

....Applicants

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. Rehan Khan h/f Mr. G R Syed, Advocate for Applicants

Mr. N.S. Tekale, APP for State

Mr. Adil Shaikh h/f Mr. R.V. Gore, Advocate for respondent No. 2

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WITH

**CRIMINAL APPLICATION NO. 757 OF 2025
IN APEAL/133/2025**

Farzana Alias Sairabano Riyajuddin Shaikh
And Others

.....Applicants

VERSUS

The State Of Maharashtra

.....Respondent

.....

Mr. S.R. Andhale, Advocate for Applicants

Mr. N.S. Tekale, APP for State

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**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 08th JULY, 2025

ORDER :

1. Applicants-accused are convicted under Sections 302, 498-A read with 34 of Indian Penal Code and are sentenced

to suffer life imprisonment by judgment and order 14.01.2025 passed by Sessions Judge, Ahmednagar in Sessions Case No. 79/2020. By these applications, they seek bail during the pendency of their appeals.

2. Heard learned advocates for applicants, learned APP for State and learned advocate for respondent No. 2. Perused the record.

3. On perusal of record we are of the prima facie view that the prosecution has proved its case against Accused No. 1/Husband. He was not on bail during trial. We therefore are not inclined to suspend the sentence of the husband.

4. The Trial Court while convicting father-in-law, mother-in-law, brother-in-law and sister-in-law has held that they were residing jointly with the husband and deceased. They should not have allowed starvation of deceased. The family members could have taken some measures if they were interested in the health of deceased.

5. Taking into consideration the evidence against the applicants and the fact that husband has failed to discharge the

burden under Section 106 of Indian Evidence Act, and as other applicants were on bail during trial, we are inclined to suspend their substantive sentence since the appeals are not likely to be heard in near future.

6. In the result, we pass the following order:

ORDER

1. Criminal Application No. 754 of 2025 to the extent of applicant No. 1 Mujakkir Riyajuddin Shaikh is rejected.
2. Criminal Application No. 754 of 2025 to the extent of applicant No. 2 Asim Riyajuddin Shaikh is allowed.
3. Criminal Application No. 757 of 2025 is allowed.
4. The substantive sentence of imprisonment imposed on Asim Riyajuddin Shaikh (applicant No. 2 in Criminal Application No. 754 of 2025), Farzana alias Sairabano W/o Riyajuddin Shaikh, Riyajuddin S/o Hashmuddin Shaikh and Almas alias Sumaiyya D/o Hashmuddin Shaikh (applicants in Criminal Application No. 757 of 2025) by learned Sessions Judge, Ahmednagar in Sessions Case No. 79 of 2020 vide judgment and order 14.01.2025 is suspended during the pendency of appeals.
5. Applicants- Asim Riyajuddin Shaikh, Farzana alias Sairabano W/o Riyajuddin Shaikh, Riyajuddin S/o Hashmuddin Shaikh and Almas alias Sumaiyya D/o

Hashmuddin Shaikh be released on bail on furnishing Personal Bond of Rs. 15,000/- each with one surety each in the like amount.

6. Criminal Applications are accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

(NITIN B. SURYAWANSHI, J.)