



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1569 OF 2025
IN
CRIMINAL APPEAL NO.311 OF 2025

Faisal Khan S/o. Feroz Khan Pathan,
Age : 30 years, Occu. : Labourer,
R/o. Nitin Nagar, Bus Stand Road,
Kannad, Tq. Kannad, Dist. Aurangabad.

... Applicant
(Orig. Accused No.2)

Versus

The State of Maharashtra,
Through Kannad Police Station,
Tq. Kannad, Dist. Aurangabad.

... Respondent

.....
Mr. Shaikh Mohd. Mustaqueem M.M., Advocate for applicant.
Mr. C. V. Bhadane, APP for Respondent - State.

.....
CORAM : ABHAY S. WAGHWASE, J.
DATED : 02 MAY 2025

ORDER :

Not on board. Upon mentioning taken on board.

Instant application is for suspension of sentence and grant of bail on account of conviction recorded by learned Additional Sessions Judge-4, Aurangabad in Sessions Case No. 203 of 2023.

Learned counsel for applicant pointed out that, applicant was tried vide Sessions Case No. 203 of 2023 for offence punishable under sections 353, 332, 323, 504 and 506 read with

section 34 of IPC. That, vide judgment and order dated 03.03.2025 applicant is held guilty for offence punishable under sections 353, 332 and 323 of IPC and to pay fine. He pointed out that, maximum sentence is six months. That, exception has been taken to the above judgment and order by filing appeal, but it being of 2025, will take long time to be heard and decided. He further made a statement that applicant was on bail during trial and fine amount was already paid. For said reasons, relief of suspension and bail is urged for.

Learned APP opposed on the ground that, on full-fledge trial, conviction has been recorded. Apprehension of misuse of liberty is also expressed.

Heard. Perused the papers. Vide Sessions Case No.203 of 2023, present applicant, who is held guilty for above sections and it is emerging from operative part that for offence under sections 353 and 332 of IPC, maximum sentence awarded is six months. No separate sentence is awarded for 323 of IPC. Fine amount is said to be paid. Applicant was on bail during trial. Appeal against conviction being of 2025, will take sufficiently long time to be heard and decided. In the light of above, 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 applicant Faisal Khan S/o. Feroz Khan Pathan in Sessions Case No. 203 of 2023 by learned Additional Sessions Judge-4, Aurangabad on 03.03.2025 stands suspended till the final hearing and disposal of Criminal Appeal No.311 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 tender 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 applicants.

VII. Bail before the trial court.

(ABHAY S. WAGHWASE, J.)