



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPEAL NO.399 OF 2025

1. Ashiq Ali S/o Shaukat Ali Sayyad @ Aasif Motya
2. Naushad Ali Shaukat/o S. Ali Sayyad
3. Sagar S/o Arun Zade, Wardha

vs.

The State of Maharashtra, Thr. PSO, PS Wardha City, Dist. Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. M. Jaltare, Advocate for appellants/applicants.

Ms S. N. Thakar, Addl. Public Prosecutor for respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 17th SEPTEMBER, 2025

Criminal Application (APPA) No.706/2025

The appellants have filed appeal challenging the judgment and order dated 31/05/2025 passed by the learned Additional Sessions Judge, Wardha in Sessions Case No.83/2021 thereby convicting the appellants for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and sentencing them to suffer seven years rigorous imprisonment and fine of Rs.50,000/- each in default rigorous imprisonment for six months.

2. This application is preferred by the applicants/appellants for suspension of sentence and grant of bail till disposal of the appeal.

3. The learned counsel for the applicants/appellants submitted that the impugned judgment has been passed without there being any cogent and convincing evidence to convict the applicants/appellants. He further submitted that during the

trial, applicants/appellants were on bail and have not misused the liberty granted by the Court. He also submitted that the appellants have already deposited the fine amount of Rs.50,000/- on 04/06/2025.

4. Learned Additional Public Prosecutor vehemently opposed the application and submitted that the offence committed by the applicants/appellants is of serious nature and if sentence is suspended, possibility of the applicants/appellants misusing the liberty granted by the Court cannot be ruled out.

5. Considering the nature of offence and the specific consequences of conviction of the applicants/appellants and the fact that the appeal is admitted, this Court is satisfied that a case is made out for suspension of sentence and release of the applicants/appellants on bail till final disposal of the appeal. However, it is clarified that this Court has not gone into the merits of the case which will be examined at the time of final hearing of the appeal.

6. Accordingly, the application is allowed. The sentence of conviction passed by the learned Additional Sessions Judge, Wardha in Sessions Case No.83/2021 convicting the applicants/appellants for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code stands suspended till final disposal of the appeal.

The applicants 1. Ashiq Ali S/o Shaukat Ali Sayyad @ Aasif Motya, 2. Naushad Ali S/o Shaukat Ali Sayyad and 3. Sagar S/o Arun Zade, shall be released on bail on their furnishing P R. Bond in the sum of Rs.20,000/- each with one solvent surety each in the like amount.

7. The applicants shall not indulge into any illegal activities and shall attend the concerned police station i.e. Police Station Wardha City, District Wardha on first Monday of every month between 11 am to 1 pm. The applicants shall appear before the Court as and when directed.

8. The learned Additional Public Prosecutor or the Investigating Officer is at liberty to seek cancellation of bail granted to the applicants, if any of the conditions is breached or for any other sufficient reason.

9. Criminal Application is disposed of in above terms.

(Nivedita P. Mehta, J.)