IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4311 OF 2026
IN
CRIMINAL APPEAL NO. 878 OF 2026

MUBARAK ALI SHAUKAT ALI
VERSUS
THE STATE OF MAHARASHTRA
....

Mr. Vrishab M. Patil h/f Mr. Satej S. Jadhav, Advocate for Applicant
Mr. G. O. Wattamwar, APP for Respondent - State
....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 23 October, 2026

PER COURT :-

1. Not on board. Upon mentioning, taken on board.

2. This is an application for suspension of sentence and grant of bail in consequence to the judgment and order of conviction rendered by learned Additional Sessions Judge, Aurangabad, District Aurangabad, dated 28.09.2026 in Sessions Case No.234 of 2024 convicting the applicant for the offence under Section 353 of I.P.C.

3. Learned counsel for the applicant submitted that, applicant came to be convicted in the above sessions case for above offence and he has been sentenced suffer one year imprisonment and to pay fine of Rs.3000/-. That, said fine amount is already paid. That, above judgment has been challenged by way of appeal and the appeal being of 2026, may not be heard earlier. He pointed out that the allegations are merely to the effect that the applicant, while travelling as a passenger, had pulled the bell of the S.T. bus, thereby allegedly obstructing the complainant in the discharge of his driving duties. He submitted that there are good grounds to be considered in the appeal. In the meantime, in view of the fixed sentence, he urges for suspension of sentence and grant of bail.

4. The learned APP opposed the application on the grounds that there was an eye witness account and that the applicant had indulged in ringing the bell, which was not his duty, thereby obstructing the performance of official duties. Injuries were sustained by both the conductor and the driver. Thus, upon a complete appreciation of evidence conviction has been recorded, and for these

reasons, the learned APP opposed the application.

5. After considering the above submissions, considering the quantum of sentence of one year imprisonment and appeal being of 2026, as the same may not be heard 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 applicant Mubarak Ali Shaukat Ali by the learned Additional Sessions Judge, Aurangabad, District Aurangabad in Sessions Case No.234 of 2024 dated 28.09.2026 stands suspended till final hearing and disposal of Criminal Appeal No.878 of 2026.

(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 the bail granted to the applicant.

(vii) Bail before the trial Court.

[ABHAY S. WAGHWASE, J.]

SMS