



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

**914 CRIMINAL APPLICATION NO. 3922 OF 2025
IN APEAL/776/2025**

AZIZ MUSHTAQ PATEL

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Avinash Patil, Advocate h/f Mr. A. K. Bhosle, Advocate for the applicant

Ms. U. S. Bhosale, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 16th JANUARY, 2026

PER COURT :

1. This is an application for suspension of sentence and grant of bail.
2. Applicant/original accused was convicted for commission of offences punishable under sections 353 of the Indian Penal Code (for short 'the IPC') and directed to suffer rigorous imprisonment for 2 years and to pay fine of Rs.25,000/-. In default he was directed to suffer rigorous imprisonment for 3 months. The applicant was acquitted for commission of offences punishable under Sections 504, 506 and 427 of the IPC.

3. Learned advocate for the applicant submits that all through out the trial, he was on bail and he did not misuse the liberty. He further submits that he cooperated for early completion of trial. According to him, after pronouncement of judgment by the learned Additional Sessions Judge, Aurangabad dated 28-08-2025 of conviction, he surrendered to the custody of the court and thereafter applied for suspension of sentence, which was granted by the trial court. He further submits that he has deposited amount of fine. According to him, perusal of the evidence would reveal that charge under Section 353 is not made out. He further states that he has arguable points in the appeal. He has invited my attention to the testimony of PW-1 a public servant.

4. Per contra, learned APP has opposed the application by arguing that cogent and reliable material is available.

5. I have gone through testimony of PW-1. Suffice it to say that there are many arguable points involved. Considering the fact that the sentence imposed upon the applicant, is of fixed term and the applicant was on bail during the course of the trial and he did not misuse the liberty, I hereby pass the following order:

ORDER

- a. Criminal application is allowed.

- b. Sentence imposed by the learned Additional Sessions Judge, Aurangabad in Sessions Case No. 109/2022 vide judgment dated 28-08-2025 of two years convicting applicant for commission of offence punishable under Section 353 of the IPC is hereby suspended till decision of the appeal.
- c. Applicant be released on bail on same terms and conditions as were imposed by the trial court.
- d. The applicant shall remain present in the court at the time of final hearing of the appeal.

[RAJNISH R. VYAS, J.]

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