



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

**CRIMINAL APPLICATION NO. 4796 OF 2025  
IN APEAL/965/2025**

**AYUB GAFUR PATEL AND ANOTHER**

**.....Applicants**

**VERSUS**

**THE STATE OF MAHARASHTRA**

**.....Respondent**

Mr. P. P. More, Advocate for the applicants

Mr. V. K. Kotecha, APP for the respondents/State

**CORAM : RAJNISH R. VYAS, J.**

**DATE : 16<sup>th</sup> JANUARY, 2026**

**PER COURT :**

1. This is an application for grant of bail and suspension of sentence.
2. In Sessions case No. 42 of 2019, original accused Nos. 1 and 2 who are appellants/applicants before this court, were convicted for commission of offences punishable under sections 498-A r/w 34 of the Indian Penal Code (for short 'the IPC') and directed to suffer rigorous imprisonment for one and half years. In default they were directed to suffer rigorous imprisonment for 5 months. The accused persons were acquitted for commission of offences punishable under Sections 306, 323, 504 r/w section 34 of the IPC.

3. Learned Advocate for the applicants submitted that sentence imposed upon them was of fixed term and during trial they were on bail and they did not misuse the liberty. According to him, after pronouncement of judgment by the learned Additional Sessions Judge, Latur of conviction on 28-11-2025 they have surrendered to the custody of the court and have preferred an application for suspension of sentence, which was allowed. He further submitted that this court vide order dated 19-12-2025, has continued the order of suspension of sentence and grant of bail passed by learned trial court. According to him, they have deposited the amount of fine. He submitted that the evidence rendered by the prosecution was not believed by the learned trial court and therefore, they were rightly acquitted for commission of offences punishable under Sections 306, 323, 504 r/w section 34 of the IPC. According to him, he has arguable points in the appeal.

4. Per contra, learned APP submitted that cogent and reliable evidence was laid by the prosecution and the applicants were rightly convicted.

5. Be that as it may, I have gone through record of the case. Sentence imposed upon them is a short term and they have already deposited the amount of fine. I have also gone through the judgment delivered by the learned trial court, which shows that the applicants

were acquitted for commission of the offences punishable under Sections 306, 323, 504 r/w section 34 of the IPC. It is, thus, clear that evidence will have to be appreciated while dealing with the judgment of conviction. In that view of matter, present application is allowed in following terms.

### **ORDER**

- a. Criminal Application is allowed.
- b. Sentence imposed in Sessions Case No. 42 of 2019 by the learned Additional Sessions Judge, Latur, on 28-11-2025 so far as applicant No.1 Aayub Gafur Patel and applicant No. 2 Zayedabee Gafur Patel convicting them for commission of offences punishable under sections 498-A read with section 34 of the IPC for one and half years is hereby suspended till decision of the appeal.
- c. They be released on bail on same terms and conditions as imposed by the learned trial court.
- d. The applicants shall remain present at the time of final hearing of the appeal.

**[RAJNISH R. VYAS, J. ]**