



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

**CRIMINAL APPLICATION NO. 979 OF 2026
IN APEAL/176/2026**

**PASHA MAHAMAD SAYYAD
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Rahul Pandhari Cheble
APP for Respondent : Ms. A.S. Deshmukh

...
**CORAM : RAJNISH R. VYAS, J.
DATE : 11TH MARCH, 2026**

PER COURT :

1. This is an application for grant of bail and suspension of sentence preferred by original accused, since he was convicted for commission of offence punishable under Section 353 of the Indian Penal Code, so also Section 332 of the IPC and directed to suffer imprisonment for period of one year and pay fine of Rs. 5,000/- for both conviction, in Sessions Case No. 133/2021, passed by the Sessions Judge, Latur, on 11.02.2026.
2. The applicant was acquitted for commission of offence punishable under section 504, 506, 427, 186 of the IPC and Section 120 of the Maharashtra Police Act, so also Section 3 of the Prevention of Defacement of Property Act.
3. Learned counsel Mr Cheble, has contended that all

throughout the trial the accused was on bail, he did not misuse his liberty. Considering the fact that the sentence imposed is of fixed term, he may be released on bail.

4. Per contra, Ms. Deshmukh, learned APP contended that considering the fact that the offence is under Section 353 of the IPC, which is against the public servant, the sentence may not be suspended.

5. I have gone through the record of the case.

6. In order to bring home the charge, prosecution has examined total seven witnesses. PW 7 is the first informant and the case of the prosecution is that on 25.08.2020, where the informant who was working as a Police Head Constable was present on duty at about 5.30 p.m., the accused came into the police station and started yelling abuses by asking Mr. Adsule, as to where his superior officer. When said Adsule, tried to pacify him, accused caught hold his neck, made scuffle with him, due to which uniform of Adsule was torn, and he sustained the injuries.

7. The record further shows that while considering the issue regarding applicability of Section 353 of the IPC, the aspect whether the public servant was discharging his duty was not taken into consideration. It is necessary to mention here that the sentence imposed upon the applicant is of short term and fixed period, and he can be asked to undergo the same, if appeal is not decided in his favour.

8. There is one more aspect that all throughout the trial, the applicant was on bail and he did not misuse his liberty. After pronouncement of judgment, he surrendered to the custody of the court and preferred an application for suspension of sentence and grant of bail which was allowed by the trial court.

9. Considering the fact that the appeal cannot be taken for final hearing in near future due to pendency of old appeals, I am inclined to pass the following order :

ORDER

- i. The sentence imposed in Sessions Case no. 133/2021, dated 11.02.2026, by the Sessions Judge, Latur, of one year for commission of offence punishable under Sections 353 and 332 of the IPC, shall stand suspended till decision of the appeal.
- ii. The appellant/accused shall be released on bail on the same terms and conditions as were imposed by the trial court.
- iii. Criminal Application is disposed of.

(**RAJNISH R. VYAS, J.)**