



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

**CRIMINAL APPLICATION NO. 1021 OF 2026
IN APPEAL/185/2026**

Shaikh Yadul Shaikh Latif
Age: 50 years, Occu.: Labour,
R/o. Kurula, Tq.Kandhar,
District Nanded.

..Applicant
(Orig. Accused)

Versus

The State of Maharashtra
Through Police Station Officer,
Kandhar Police Station, District Nanded.

...
Advocate for Applicant : Dr. Anagha N. Pedgaonkar
APP for Respondent : Ms.Saie S.Joshi

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30 MARCH, 2026

PRONOUNCED ON : 01 APRIL, 2026

ORDER :-

1. This is an application for suspension of sentence and grant of bail in backdrop of conviction recorded by learned Additional Sessions Judge, Kandhar in Sessions Case No.53 of 2016 awarding conviction for offence under Section 304 of the Indian Penal Code (IPC).

2. Learned counsel for applicant pointed out that, learned trial Court convicted accused for above offence and sentenced him to suffer imprisonment for five years and to pay fine. That, fine amount is already paid. She further submitted that, alleged incident took place all of a sudden. That, there are allegations that accused no.1 hit deceased with a tile after accused nos.2 to 4 caught-hold of deceased. It is pointed out that, alleged occurrence is of 01-06-2016 whereas FIR is 04-06-2016. She further pointed out that, deceased died as his surgery was not successful. That, there was some quarrel on custody of child. That, remaining accused are already acquitted. That, moreover deceased, who was 65 years of age, had other health issues also and therefore, death ought not to have been attributed to assault. That, appeal against conviction is preferred, but appeal being recent one, there are no chances of hearing the appeal. Lastly, it is submitted that during trial, applicant was on bail. In the above backdrop, relief of suspension of sentence and grant of bail is urged for.

3. Learned APP opposed application on the ground that,

injury is attributed to blow by a tile that too on head. That, there is medical evidence. That, on full-fledge trial, conviction is recorded and there being death, offence under Section 304 of the Indian Penal Code been proved, relief is opposed.

4. After considering the above submissions and on going through the record, it seems that, applicant was tried for offence under Section 304 of the IPC. It appears that, in occurrence dated 01-06-2016, one of the accused, hit a tile on the head of deceased, who was 65 years old. It seems from the submissions that, there was quarrel and dispute over custody of a minor child. Statement is made across the bar that incident took place all of a sudden and as such there was no premeditation. Admittedly, occurrence is of 01-06-2016 and report is lodged on 04-06-2016 and as such, it is delayed FIR. Medical experts seems to have admitted in cross-examination that head injury could be result of fall also. Deceased underwent surgery also. Therefore, taking into account that occurrence to be sudden and there to be no premeditation, considering fact that rest of the accused are acquitted and there are no immediate prospects

of hearing of appeal which is of 2026, relief as prayed deserves to be granted. Hence, following order is passed :

ORDER

- (i) Criminal Application is allowed.
- (ii) The substantive sentence imposed on the applicant – Shaikh Yadul Shaikh Latif by the learned Additional Sessions Judge, Kandhar, in Sessions Case No.53 of 2016 dated 11-02-2026 stands suspended till final hearing and disposal of Criminal Appeal No.185 of 2026.
- (iii) The applicant be released on P.R. Bond of Rs.25,000/- (Rs. Twenty-five 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)
JUDGE