

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3159 OF 2025
IN
CRIMINAL APPEAL NO. 887 OF 2025

1. Khadir Jamal Shaikh Applicants
2. Vijay Sudhakar Waghmare

Versus

The State of Maharashtra Respondent

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Mr. Tukaram Venjane a/w Mr. Abhay A. Jadhavar a/w Mr. Ganesh
Khatkale, Advocate for the Applicants.
Mr. S. H. Yadav, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd DECEMBER, 2025.

P.C. :

1. Heard learned counsel for the Applicants and learned APP
for the Respondent – State.
2. By this application, the Applicants are seeking suspension of
sentence imposed on them by the learned Additional Sessions Judge,
Barshi in Sessions Case No.230 of 2023.
3. It is contention of learned counsel for the Applicants that
the Applicants have been convicted for the offence punishable under

Section 489(c) read with Section 34 of the Indian Penal Code, 1860 (for short, “IPC”), and they are hereby sentenced to suffer Rigorous Imprisonment for seven years each and they shall pay fine of Rs.2,000/- each in default of fine, they shall suffer thereof to suffer for Simple Imprisonment for two months each. Learned counsel further submitted that the Applicants have deposited fine amount. During trial, the Applicants were on bail. The Applicants are behind bar for around three months. The Applicants have no antecedent. It may take time to conclude the trial, and requested to allow the application.

4. It is contention of learned APP that the prosecutions has proved case beyond reasonable doubt before the trial Court accordingly the Applicants have been convicted. If the Applicants are released on bail, they may abscond, and requested to reject the application.

5. I have heard both learned, perused the impugned judgment and order.

6. During the trial, the Applicants were on bail. They have not misused liberty. The Applicants are behind bar around three months. The Applicants have no antecedent. It may take time to dispose of the appeal.

Considering these fact, I pass following order:

ORDER

- i. The Application is allowed.
 - ii. The substantive sentence imposed on the Applicants in Sessions Case No.230 of 2023, in terms of order dated 02/08/2025 passed by the learned Additional Sessions Judge, Barshi, is suspended till final disposal of the appeal.
 - iii. The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount.
 - iv. The bail bond to be furnished before the trial Court.
 - . Criminal Interim Application stands disposed off.
7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)