

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 3835 OF 2024
IN
CRIMINAL APPEAL NO. 1045 OF 2024

Tinku Mohd Mohammad Kayyum Khan Applicant

Versus

The State of Maharashtra Respondent

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Mr. Altaf Khan (appearing Thr. V. C.) a/w Mr. Akash Mangalgi,
Advocate for the Applicant.

Mr. Shrikant H. Yadav, APP, Advocate for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th MARCH, 2025.

P.C. :

1. By this application, the Applicant is seeking suspension of sentence.

2. The Applicant has been convicted for the offence punishable under Section 235(2) of the Code of Criminal Procedure, for the offence under Section 7 punishable under Section 353 of the Indian Penal Code, 1860 (for short “IPC”) and sentenced to suffer Rigorous Imprisonment for the period of three years and to pay fine amount of Rs.10,000/-. The Applicant has been convicted for the offence

punishable under Section 147 of the Indian Railway Act and sentenced to suffer Simple Imprisonment for the period of six months and to pay fine of Rs.1000/-.

3. It is contention of learned counsel for the Applicant that the trial Court has granted bail and suspended his sentence during the appeal. During the trial, the Applicant was on bail, hence requested to allow the application.

4. The learned APP for the Respondent – State strongly objected to allow the application.

5. I have heard both learned counsel. The sentence imposed on the Applicant is short term sentence. The trial Court has granted bail to the Applicant and suspended his sentence till final disposal of the appeal. During the trial, the Applicant was on bail. It may take time to dispose of the trial.

6. In view of the above, the Applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the appeal, on following terms and conditions.

ORDER

i. The substantive sentence imposed on the applicant in

Sessions Case No.663 of 2021, in terms of the order

dated 9th August, 2024 passed by the Special Judge,
ACB, Additional Sessions Judge, City Civil and Sessions
Court, Mumbai, till final disposal of the appeal.

ii. The Applicant be enlarged on bail on furnishing P.R.

Bond in the sum of Rs.50,000/- with one or two sureties
in the like amount.

iii. The bail bond to be furnished before the trial Court.

7. In view of the above, the application stands disposed of.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)