

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2281 OF 2025
IN
CRIMINAL APPEAL NO.664 OF 2025

Mohammad Sharif Mohammad Yusuf Khatik ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Himanshu Pujari i/b. Mr. Mahendra Sandhyanshiv, for the Applicant.
Ms. Gauri S. Rao, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 4th JULY 2025

PC:-

1. Heard Mr. Pujari, learned Counsel appearing for the Applicant and Ms. Rao, learned APP appearing for the Respondent-State.
2. By this Interim Application, the Applicant is seeking suspension of sentence and bail during the pendency of the Appeal.

3. The Applicant is challenging in the Criminal Appeal No.664 of 2025 the Judgment and Order dated 20th May 2025 passed by the learned Additional Sessions Judge, Malegaon in Sessions Case No.75 of 2022. By a separate order dated 4th July 2025, the Criminal Appeal No.664 of 2025 has been admitted.

4. Mr. Pujari, learned Counsel appearing for the Applicant states that there are very valid points raised in the Criminal Appeal. He submits that the Applicant-Mohammad Sharif Mohammad Yusuf Khatik is accused No.2 and he has been convicted for committing offence under Section 323 of the Indian Penal Code, 1860 (“IPC”) and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1,000/-, and in default thereof, to suffer further simple imprisonment for one month. He further submits that by the order dated 20th May 2025, the learned Additional Sessions Judge, Malegaon has released the Applicant by passing order below Exhibit-47 in Sessions Case No.75 of 2022.

5. As the Applicant has been convicted under Section 323 of the IPC and sentenced to suffer rigorous imprisonment for one

year and to pay fine of Rs.1,000/-, and in default thereof, to suffer further simple imprisonment for one month. The Appeal has already been admitted.

6. *Prima facie*, the allegation against the present Applicant is that he had slapped the deceased. The Applicant was arrested on 4th January 2022 and he has been released on bail on 4th March 2022. There is nothing on record to show that the Applicant has misused the said liberty.

7. Accordingly, the case is made out for suspension of sentence during the pendency of the Criminal Appeal. In view thereof, the following order:

ORDER

- (a) The sentence of imprisonment imposed vide Judgment and Order dated 20th May 2025 passed by the learned Additional Sessions Judge, Malegaon in Session Case No.75 of 2022 is suspended during pendency of Criminal Appeal No.664 of 2025, preferred by the Applicant and the Applicant is directed to be released on bail on executing PR. Bond in the sum of

Rs.15,000/- with one or more solvent sureties in the like amount;

- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto;
- (c) The Applicant shall not contact the family members of the deceased or any other witnesses in any manner.

8. Accordingly, the Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

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