

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2333 OF 2025****IN****CRIMINAL APPEAL NO. 631 OF 2025**

Abdul Sajjad Khan S/o. Abdul Matin Khan ... Applicant

V/s.

The State, Union Territory Of Dadra
And Nagar And Haveli And Daman And Diu & Anr. ... Respondents

Mr. Nitin Sejpal for Applicant.

Mr. Ayush Singh h/f Mr. Ashwin Thool for Respondent No.1.

Mr. Amit A. Palkar, A.P.P. for Respondent No.2-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 24th November 2025

P.C. :

1) This is an Application for suspension of sentence and releasing the Applicant on bail during the pendency of Appeal.

2) Applicant is convicted under Section 302 read with Section 120B of the Indian Penal Code (IPC) and sentenced to undergo life imprisonment with a fine of Rs. 15,000/- by the learned Sessions Judge, Daman at Daman in Sessions Case No. 15 of 2020, by its Judgment and Order dated 22nd August 2024.

3) As per the prosecution case, the allegations against the Applicant is that, a car bearing No. GJ-15-CJ-5493 was recovered at his instance from a

parking area situated in the basement of the Suyojit building in Nashik, which was allegedly used by the principal accused for fleeing away after commission of the offence under Section 302 of the IPC. The allegation of firing from a fire arm on deceased Salim Bharvatiya is against absconding accused Sunil Jadhav and original accused Nos. 3, 5 and 7. The accused Nos. 3, 5 and 7 have already been granted bail by this Court.

3.1) Record *prima facie* indicates that, evidence available against the Applicant is the recovery of four wheeler vehicle, which was allegedly used by the assailant for commission of the said crime. The Applicant as of today has undergone more than five years in incarceration. Taking into consideration the huge pendency of Appeals, the possibility of hearing of substantive Appeal of the Applicant in near future is remote.

4) After taking into consideration the overall facts of the case, we are of the opinion that, during the pendency of the Appeal of the Applicant, the sentence imposed upon him can be suspended and he can be released on bail.

4.1) Hence, the following Order :-

[i] During the pendency of Appeal preferred by the Applicant, the substantive sentence imposed upon the Applicant vide Judgment and Order dated 22nd August 2024, passed by the learned Sessions Judge, Daman, in Sessions Case No. 15 of 2020, is suspended and the Applicant be released on bail on his furnishing PR bond in the sum of

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

[ii] Before his release from jail, the Applicant shall give his prospective residential address and the mobile and/or landline number on which he or his any close relative can be contacted.

[iii] After his release from jail, the Applicant shall attend the Nani Daman Police Station, Daman, on every first Monday of each month between 11.00 a.m. and 1.00 p.m. initially for a period of one year and thereafter on every first Monday of every third calendar month between 11.00 a.m. and 1.00 p.m. i.e. four times in a year till the disposal of Appeal.

[iv] In case of two consecutive defaults in complying with the aforesaid conditions, the Prosecution is at liberty to file an Application for cancellation of bail.

5) Application is allowed in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)