

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.2341 OF 2025

IN

CRIMINAL APPEAL NO.611 OF 2025

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Aftab Alam Maqsood Ahmed Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sherali S. Khan a/w Nadeem Shaikh, for the Applicant.

Ms. Sangita D. Shinde, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 03 JULY 2025

P.C.:

1. Heard Mr. Khan, learned Counsel appearing for the Applicant - Aftab Alam Maqsood Ahmed Khan i.e. Accused No.4.
2. It is the submission of Mr. Khan, learned Counsel for the Applicant that the Original Accused No.2 - Ashiyakhatun Maqsood Ahmed Khan has passed away on 28th June 2025. He states that the Applicant i.e. Accused No.4, Accused No.3 - Aijaz and Accused No.5 - Aziz are the sons of the deceased Ashiyakhatun Maqsood Ahmed Khan. He states that the Accused No.3 has been acquitted. He states that the Applicant be immediately granted bail for attending the rituals. He states that the rituals are for about 40 days. Apart from that, he submits that the Applicant was granted anticipatory bail by Order dated 24th September 2014 during trial and the Applicant has been taken into

custody on the date of conviction and sentence i.e. 6th June 2025. He states that the Applicant is having 3 children, aged 17 years, 12 years and 7 years and all of them are taking education. He states that the Applicant is the only earning member of his family. He states that the Appeal is already admitted by Order dated 23rd June 2025.

3. On the other hand, Ms. Shinde, learned APP submits that there is sufficient evidence showing the involvement of the Applicant in the crime and therefore the Application for suspension of sentence and grant of bail be rejected.

4. Perusal of the record shows that the Appeal is already admitted. The Applicant was granted pre-arrest bail by Order dated 24th September 2014 during trial. There is nothing on record to show that the Applicant has misused the liberty granted to the Applicant.

5. It is the submission of learned Counsel for the Applicant that the Applicant is the only earning member in his family. The Applicant has 3 minor children.

6. Accordingly, in the facts and circumstances, case is made out for grant of bail and suspension of sentence during the pendency of the Criminal Appeal.

7. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:

ORDER

- (a) The sentence of imprisonment vide Judgment and Order dated 6th June 2025 passed by the learned Additional Sessions Judge, City Civil & Sessions Court For Greater Bombay at Mumbai in Sessions Case No.539 of 2016 is suspended as far as the Applicant - Aftab Alam Maqsood Ahmed Khan is concerned during the pendency of Criminal Appeal No.611 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.25,000/- with one or two sureties in the like amount;
- (b) The Applicant is permitted to furnish cash bail surety for a period of 4 weeks, in lieu of surety;
- (c) 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.
8. Accordingly, the Interim Application is allowed in the aforesaid terms and disposed of.

[MADHAV J. JAMDAR, J.]