

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4245 OF 2025****IN****CRIMINAL APPEAL NO. 91 OF 2026**

Ahmed Raza Sajid Shaikh @
Shahrukh & Anr.

.....Applicants

Vs.

The State Of Maharashtra

.....Respondent

Mr. Prashant Pandey a/w Mr. Dinesh Jadhvani, Ms. Ridhima Mangaonkar &
Ms. Sumati Gupta i/b W3 Legal LLP for Applicants.

Mr. Ashish I. Satpute, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 9th FEBRUARY, 2026.

PC.:-

- 1) This is an Application for suspension of sentence and releasing the Applicants on bail during the pendency of Appeal.
- 2) Applicants are convicted under Sections 302 and 324 read with Section 34 of the Indian Penal Code and are sentenced to suffer imprisonment for life and to pay a fine of Rs. 10,000/- each by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai, in Sessions Case No. 115 of 2018, by its Judgment and Order dated 6th

February 2025.

3) Perusal of evidence on record coupled with the findings recorded by the trial Court *prima facie* indicates that, there are inconsistencies in the evidence of PW No. 3, informant and PW No.7, with reference to the spot of incident and the actual assault by the concerned Applicant/Appellant. There is also variance in the nature of weapon attributed to the Applicants/Appellants. The PW No. 8 i.e. panch witness to the recovery of knife from accused No.1 has denied that, the accused No.1 gave statement in his presence or produced any knife in his presence.

4) Record further indicates that, the Applicants/Appellants were on bail during the pendency of trial.

5) In view of the above, we are inclined to suspend the substantive sentence imposed upon the Applicants and released them on bail during the pendency of their Appeal.

5.1) Hence, the following Order.

[i] During the pendency of their Appeal, the substantive sentence imposed upon the Applicants vide Judgment and Order dated 6th February 2025, passed by the learned Additional Sessions Judge, Mumbai, in Sessions Case No. 115 of 2018, is suspended and the Applicants be released on bail on their furnishing PR bond of Rs. 50,000/- each with one or two separate solvent local sureties in the like

amount.

[ii] Before their release from jail, the Applicants shall give their prospective residential address and the mobile and/or landline number on which they or any their close relatives can be contacted.

[iii] After their release from jail, the Applicants shall attend the Ghatkopar Police Station, Mumbai, on every first Monday of each month between 10.00 a.m. and 12.00 p.m. initially for a period of one year and thereafter on every first Monday between 10.00 a.m. and 12.00 p.m. of every third calender month i.e. four times in a year, till the disposal of Appeal.

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

6) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)