

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4727 OF 2025

**VAISHALI
ANIL
TIKAM**

IN

APPEAL NO. 1261 OF 2025

WITH

INTERIM APPLICATION NO. 4726 OF 2025

IN

APPEAL NO. 1261 OF 2025

Shero Abtab Shaikh and Anr.

...Applicants

Vs.

State of Maharashtra

...Respondent

Mr. Akshay Ashok Shinde for Applicants

Mr. A.R. Metkari, APP for the State.

API Niwas M. Shinde, Vashi Police Station, Navi Mumbai.

CORAM : R.M. JOSHI, J.

DATE : 27th JANUARY, 2026.

P.C. :

1. This application is for suspension of sentence and enlargement the Applicants on bail.

2. Learned counsel for the Applicants makes statement that the substantive sentence imposed against the Applicants is

already over and they are already released from jail. He, however, seeks stay of the impugned judgment and order on the ground that there is a condition imposed by the trial Court of deportation of the Applicants to Bangladesh.

3. Learned counsel for the Applicants submits that there is no evidence led before the trial Court to indicate that the Applicants are Bangladeshi Nationals and they are staying illegally in this Country. It is his contention that there is no evidence about any offence committed by Applicants.

4. Learned APP opposed application and stay to impugned order on the ground that the Applicants have no right to stay in this Country illegally.

5. Perusal of the 313 statement indicates that the Applicants have admitted the fact that they are Bangladeshi Nationals and further claimed that since for a long period they are staying in India, they do not wish to go back to Bangladesh. Needless to say that admission of Applicants is best evidence to accept the said facts. Desire of the Applicants to stay in India cannot become a reason for staying of the impugned order. The admission of the Appellants is more than sufficient evidence to

support the impugned judgment and order passed by the trial Court.

6. Hence, no prima facie case is made out for stay of the impugned order.

7. Hence, Interim Application No. 4727 of 2025 stands dismissed.

8. Interim Application No. 4726 of 2025 does not survive and stands disposed of accordingly.

(R.M. JOSHI, J.)