

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4798 OF 2025
IN
CRIMINAL APPEAL NO. 1281 OF 2025

1. Saddam Adam Ali Shaikh
2. Arif Adam Ali Shaikh
3. Sabira Adam Ali Shaikh
....Applicants

VERSUS

1. The State Of Maharashtra
2. Abdul Afsar Salam Khan
.....Respondents

Ms. Saima Khan along with Mr. Adil Shaikh i/b. Mr. Husen Shaikh,
Advocate for Appellant.

Mr. Prashant P. Jadhav, APP for Respondent No.1-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th MARCH, 2026.

P.C. :

1. By this application, the applicants are seeking suspension of sentence and bail during the pendency of appeal.

2. The applicants have been convicted as under :

- (i) for offences punishable under Sections 304 Part-II read with 149 and 34 of the Indian Penal Code, 1860, and sentenced to undergo Rigorous Imprisonment for 3 (three) years and pay fine of Rs.5,000/- each and in default thereof, shall undergo Simple Imprisonment for further 3(three) months;

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- (ii) for offence punishable under sections 323 read with 34 of the Indian Penal Code, 1860, the applicants are sentenced to undergo Rigorous Imprisonment for 1 year;
- (iii) for offence punishable under Sections 143 read with 149 of the Indian Penal Code, 1860, the applicants shall undergo Rigorous Imprisonment for 6 months: and
- (iv) for the offence punishable under Sections 144 read with 149 of the Indian Penal Code, 1860, the applicants shall undergo Rigorous Imprisonment for 2 years.

All the substantive sentences were to run concurrently.

3. It is contention of learned counsel for the applicants that the Trial Court has granted bail to the applicants and suspended their sentence during the appeal period. During the trial, the applicants were on bail and they have not misused the liberty. Hence, requested to allow the application.

4. The learned APP for respondent-State strongly objected to allow the application.

5. I have heard both learned counsel.

6. The maximum sentence imposed on the applicants is of three years. The Trial Court has granted bail to the applicants and suspended

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their sentence during the appeal period. During the trial, the applicants were on bail and they have not misused the liberty. It may take time to dispose of the appeal.

7. In view of above, the applicants' sentence is suspended and they are enlarged on bail, pending the hearing and final disposal of the appeal, on the following terms and conditions:

ORDER

- i. The applicants be enlarged on bail on furnishing
P. R. Bond in the sum of Rs.25,000/- each with one
or two sureties in the like amount.
 - ii. The bail bond to be furnished before the Trial Court.
Interim Application stands disposed of.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)