



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@ SLP(CRL.) No.5891/2026)

MOHD ISLAM

APPELLANT(S)

VERSUS

STATE OF U.P.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. We have heard the learned counsel appearing for the appellant and the learned counsel appearing for the State.
3. The appellant was convicted by the Trial Court for the offences punishable under Sections 147, 148, 307 read with Section 149 of the Indian Penal Code, 1860 (for short, the IPC) and sentenced to undergo rigorous imprisonment for a period of 10 years.
4. Aggrieved by the same, the appellant preferred a criminal appeal challenging his conviction

before the High Court. The appellant then filed an application seeking suspension of sentence during the pendency of his appeal, which has been dismissed vide the impugned order. Hence, the present appeal has been filed.

5. Learned counsel appearing for the appellant submitted that the appellant has been under incarceration for more than 2½ years and his antecedent pertaining to the offence punishable under Section 323 of the IPC cannot be put against him.
6. Learned counsel appearing for the State submits that, considering the facts of the case, there is no need to interfere with the impugned order.
7. The fact remains that the appeal before the High Court is of the year 2024. The appellant has already served more than 2½ years out of ten years of sentence. The appeal raises arguable issues, both on fact and on law.
8. Considering the above, we are inclined to set aside the impugned order *qua* the appellant and suspend the sentence of the appellant till the disposal of the criminal appeal pending before the High Court and grant bail to the appellant.

9. Accordingly, the impugned order stands set aside *qua* the appellant, the appellant's sentence stands suspended during the pendency of the appeal and the appellant shall be released on bail, subject to the terms and conditions to the satisfaction of the Trial Court.
10. The appeal is allowed, accordingly.
11. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI;
11th MAY, 2026

ITEM NO.10

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.)
No(s). 5891/2026

[Arising out of impugned final judgment and
order dated 03-04-2025 in CRA No. 9149/2024
passed by the High Court of Judicature at
Allahabad]

MOHD ISLAM

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

Date : 11-05-2026 This matter was called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Parinav Gupta, Adv.
Mr. Pardeep Gupta, Adv.
Mrs. Mansi Gupta, Adv.
Mr. Mohan Lal Sharma, AOR

For Respondent(s) Ms. Sakshi Kakkar, AOR
Ms. Anshul Chawla, Adv.

UPON hearing the counsel the Court
made the following

O R D E R

Leave granted.

The sentence of the appellant is suspended
and he shall be released on bail on terms and
conditions to the satisfaction of the Trial
Court.

The appeal stands allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI) (POONAM VAID)
ASTT. REGISTRAR-cum-PS ASSISTANT REGISTRAR
[Signed order is placed on the file]