

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

**Interim Application No.628 of 2025  
in  
Criminal Appeal No.82 of 2025**

Shahid Sadik Mujawar

Age about 32 years,

Occupation- Vegetable Business,

R/o Dhanji Naka, Bail Baugh,

Tal. & District- Ratnagiri.

At present Ratnagiri Central Jail

... Applicant.

versus

The State of Maharashtra

At the instance of

CR.No.187/2022

registered with Ratnagiri

Rural Police Station,

Dist. Ratnagiri

... Respondent

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Mr Rakesh Bhatkar, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

ASI/1129, SM Sawant, Ratnagiri Gramin Police Station, is  
present.

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**Coram: R.N. Laddha, J.**

**Date: 5 May 2025**

**P.C.:**

Heard Mr Rakesh Bhatkar, the learned Counsel appearing on behalf of the applicant, and Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State.

2. The applicant (accused No.1) faced trial in Sessions Case No.44 of 2022 before the Sessions Court, Ratnagiri, for the offences punishable under Sections 397, 452, 170 and 506 read with 34 of the Indian Penal Code ('IPC'). By the judgment and order dated 20 December 2024, the applicant was convicted for the offences punishable under Sections 170, 392, 397, 452 and 506 read with 34 of the IPC. The applicant was sentenced as follows: (i) one-year rigorous imprisonment for the offence punishable under Sections 170 read 34 of the IPC, (ii) seven years rigorous imprisonment and a fine of Rs.5,000/- (with default stipulations) for the offences punishable under Sections 392 and 397 read with 34 of the IPC, (iii) five years rigorous imprisonment and a fine of Rs.5,000/- for the offences punishable under Sections 452 read with 34 of the IPC, and (iv) two years rigorous imprisonment for the offence punishable under Sections 506(2) read with 34 of the IPC. These sentences were directed to run concurrently. Aggrieved, the applicant preferred an appeal before this Court and, by the present

application, seeks suspension of the sentence and release on bail.

3. Mr Rakesh Bhatkar, the learned Counsel appearing for the applicant, highlights the alleged shortcomings in the prosecution's case. He contends that the testimonies of the prosecution witnesses lack credibility and fail to inspire confidence. According to him, there is a glaring absence of conclusive evidence to establish that the applicant committed the alleged offence and was present at the spot of the alleged incident. Additionally, the procedure to conduct a Test Identification Parade ('TI Parade') was not properly adhered to. The learned Counsel further submits that the applicant has been languishing in jail for more than two years out of the seven-year sentence, and is willing to adhere to any conditions this Court imposes if released on bail.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea and refers to the gravity of the charge for which the applicant has been convicted. He emphasises that the applicant threatened the informant with a knife and stole cash from her shop's cash box. During the robbery, the applicant physically assaulted the informant, resulting in her sustaining injuries.

Further, the informant in the TI Parade has positively identified the applicant. The learned APP contends that, after a comprehensive review of the evidence, the trial Court rightly concluded that the applicant's guilt was established beyond a reasonable doubt. He further points out that the defence failed to present any contradictions, omissions, or discrepancies that undermine the prosecution's case. In the past, twelve crimes were registered against the applicant, wherein similar *modus operandi* was followed. Mr Sait submits that, given the nature of the crime and the evidence on record, there is no justification to suspend the applicant's sentence and release him on bail.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. A careful perusal of the evidence, particularly the testimony of the informant, PW-2, reveals that the applicant and his accomplice approached her shop riding a black Jupiter scooter. The applicant, posing as a police officer, demanded to search the shop for tobacco products. The informant requested the applicant to come later as she was alone and her parents were not present. The applicant then unlawfully entered the premises and physically assaulted the informant. When she

attempted to call for help, he threatened her with a knife and stole approximately Rs.4,000/- from the cash register before fleeing the scene on the scooter. In her testimony, PW-2, identified the clothes of the applicant. Furthermore, she also categorically identified the applicant during the TI Parade. The applicant was apprehended with the weapon, a knife, used in the crime. The knife was identified by PW-2. The testimony of PW-2 remains unshaken during cross-examination. The prosecution has brought forth serious and substantial material that directly implicates the applicant in the commission of the alleged offence. Moreover, it appears that in the past, twelve more crimes of similar nature were registered against the applicant. The learned Counsel for the applicant did not point out any shortcomings in the TI Parade. In the circumstances, no case is made out to justify the suspension of the sentence and release the applicant on bail at this stage. The arguments put forth by the learned Counsel for the applicant can be tested during the final hearing of the appeal. As a result, this Court finds no merit in the present application, and the same stands rejected.

**(R.N. Laddha, J.)**