

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2287 OF 2025
IN
CRIMINAL APPEAL (ST) NO. 10410 OF 2025

Shahnawaj Abdul Jabbar Mansoori ...Applicant
Versus
State Of Maharashtra Through Police Station Kamothe ...Respondent

Ms. Maya P. Mujumdar, for the Applicant.

Mr. Prashant S. Tayade, API Kanothe Police Station, Navi Mumbai.

Ms. Gauri S. Rao, APP for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 11 JULY 2025

P.C.:

1. Heard Ms. Maya P. Mujumdar, learned Counsel for the Applicant and Ms. Gauri S. Rao, learned APP for the Respondent-State.
2. The relief sought in the Interim Application is of suspension of sentence and that the Applicant be released on bail.
3. In the Criminal Appeal the challenge is to the legality and validity of the judgment and order dated 16th January 2024 passed by the learned Additional Sessions Judge, Panvel, Dist. Raigad, by which the Applicant i.e. Accused No. 1 has been convicted for the offence punishable under Section 397 of the *Indian Penal Code, 1860* (“**IPC**”) and sentenced to suffer rigorous imprisonment of 10 years and to pay

fine of Rs.3,000/- and in default to suffer simple imprisonment for six months. The Applicant has also been convicted for offence punishable under Section 394 read with Section 34 of the IPC and awarded the same sentence. The Applicant has also been convicted for the offence punishable under Section 452 read with Section 34 of the IPC and sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs. 2,000/- each. The Applicant has also been convicted for the offence punishable under Section 342 read with Section 34 of IPC and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs. 2,000/-.

4. It is the submission of Ms. Muzumdar, learned counsel appearing for the Applicant that the Applicant was arrested on 24th May 2018 and till date the Applicant is incarcerated. She states that therefore the Applicant has completed imprisonment of about 7 years and 2 months out of 10 years of sentence. She states that the Applicant is entitled to be released on bail due to long incarceration.

5. On the other hand, Ms. Gauri Rao, learned APP strongly opposes the bail application.

6. The prosecution case as reflected in paragraph Nos. 2 and 3 of the judgment of the Sessions Court, is set out hereinbelow :-

“2. The informant – Sanjaykumar Bholilal Jain (PW-1) was the injured and victim. He was jeweler by profession. He had a shop by name New Balaji Jewelers. The incident took place on 17.05.2018, at about 9.20 p.m., at his shop. The present

accused No.1 and 2 came at his shop as a customers to purchase ring. Prior to that on 16.05.2018, at 9.20 p.m., one of the accused visited his shop to purchase ring and on that day purchased the ring for Rs.1200/-.

3. At the time of incident while purchasing ring, the accused closed the shutter of the shop and switched off the light and taken out C.C.TV camera and Digital Video Recorder (DVR). When the informant was about to blow siren the accused pointed sharp weapon called Sattoor towards him. The said accused inflicted injury to his left hand. Then these accused have stolen all gold articles weighing 2 kg and Rs. 1 Lakh cash from the shop thereby total amount of stolen property was Rs.66 Lakhs.”

7. The Criminal Appeal has already been admitted by separate Order dated 4th July 2025. Arguable questions are raised in the Criminal Appeal. As the appellant has completed more than 7 years of imprisonment out of 10 years of punishment, the case is made out for the grant of bail. However, in the facts and circumstances stringent conditions are required to be imposed.

8. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:

ORDER

- (a) The sentence of imprisonment vide Judgment and Order dated 16th January 2024 passed by the learned Additional Sessions Judge, Panvel in Sessions Case No.423 of 2019 is suspended as far as the Applicant is concerned during the pendency of Criminal Appeal (ST) No.10410 of 2025 preferred by the Applicant and the

Applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;

- (b) The Applicant shall report to the Kamothe, Police Station, Taluka. Panvel, District Raigad once in a week i.e. on each Sunday between 11.00 am and 01:00 pm for a period for 6 months and thereafter once in a month i.e. on the first Sunday between 11:00 am and 01:00 pm;
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto;
- (d) The Applicant shall not contact any witnesses in any manner.

9. Accordingly, the Interim Application is allowed in the aforesaid terms and disposed of.

[MADHAV J. JAMDAR, J.]