2026:BHC-AUG:48964



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 4079 OF 2026**
IN CRIMINAL APPEAL NO. 302 OF 2025

Shubham Prakash Jadhav
Age: 21 years, Occu.: Labour,
R/o. Kalegaon, Tq. Ahmedpur,
District Latur ... **Applicant**
[Accused]

**Versus**

The State of Maharashtra ... **Respondent**

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Ms. Shilpa Aurangabadkar h/f Mr. Satej S. Jadhav, Advocate for the Applicant.
Mr. V. S. Badakh, APP for the Respondent-State.

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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 14.10.2026**
**PRONOUNCED ON : 15.10.2026**

**ORDER :**

1. The present application seeks suspension of sentence awarded to the applicant in Sessions Case No. 16 of 2024 by the learned Additional Sessions Judge, Ahmedpur, District Latur, vide judgment and order dated 19.03.2025, thereby convicting the applicant of the offence punishable under Sections 397 and 201 of Indian Penal Code [IPC]. The applicant has also prayed for his release on bail.

2. Learned counsel for the applicant, at the outset, pointed out that on the same set of facts, the substantive sentence as against the

co-accused i.e. accused no.2 Vasant has been suspended and he has been granted bail by this Court vide order dated 28.08.2026 passed in Criminal Application No. 3170 of 2026. She would further point out that, present applicant is original accused no.1 and he has preferred appeal against the above judgment and order of conviction, but it being recent one, there are no chances of it being heard and decided in near future.

3. On merits, she pointed out that applicant was barely 19 years of age when he was tried. He is behind bars since 11.10.2023. That, in fact there is no convincing, cogent and reliable evidence, but still applicant stood convicted. She pointed out that though there are allegation of three persons snatching cash from the possession of the complainant, the alleged three persons were said to have covered their faces and therefore, were not identifiable. Moreover, no Test Identification Parade was conducted and identification was on the basis of CCTV footage which was displayed for the first time in the Court. She would further submit that, in the light of the evidence of complainant and cross-examination of other prosecution witnesses, it is doubtful whether the amount claimed by the complainant was actually in his possession and thereafter forcibly taken away. For all above reasons, relief of suspension of sentence is urged for.

4. Learned APP opposed the application on the ground that, applicant is attributed role of assault by koyta. That, on full fledged trial, conviction has been recorded.

5. Heard. Perused the record. It appears that the complainant is examined at Exhibit-17, who claims himself to be a pigmy agent. On 07.10.2023, while he was proceeding towards his house at around 11.00 to 11.15 p.m., he claims that three persons came on motorcycle and intercepted his vehicle. He claims that two of them tried to snatch bag in his possession, which was resisted. Then, he claims that one of them assaulted him by means of *Koyta* and in the scuffle, two bundles of Rs.50,000/- each, fell and that were picked up by those persons and they fled. He has given description like one of them tying Turban, while another is wearing skull cap and these two persons had allegedly assaulted him, whereas the third one was sitting on the vehicle. He specifically stated that he was assaulted by a person wearing Turban.

While under cross-examination, he admitted that all three persons had covered their faces. Even in the CCTV footage, all three persons were seen with their faces completely covered. Thus, the

identification of the applicant is primarily based on the CCTV footage. However, no Test Identification Parade was conducted.

6. Applicant is behind bars since three years, i.e. from 11.10.2023. Admittedly, the appeal is of 2025 and may not be heard immediately. Considering his age and above discussion, relief as prayed deserves to be granted. Hence, the following order is passed :

**ORDER**

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant Shubham Prakash Jadhav in Sessions Case No. 16 of 2024 by the learned Additional Sessions Judge, Ahmedpur, District Latur vide judgment and order dated 19.03.2025, stands suspended till the final hearing and disposal of Criminal Appeal No.302 of 2025.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.

IV. The applicant shall not commit any criminal activity.

V. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.

VII. Bail before the trial court.

**[ABHAY S. WAGHWASE, J.]**

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