

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1607 OF 2017
IN
CRIMINAL APPEAL NO. 180 OF 2018
WITH
CRIMINAL APPEAL NO. 180 OF 2018**

Ajay Bhagwan Raut	...Applicant/Appellant
Versus	
The State of Maharashtra	...Respondent

Ms. Nasreen Sajid Khalique Ayubi, appointed Advocate for the Applicant/Appellant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY. 20th MARCH 2019

P.C. :

- 1 Heard learned counsel for the parties.

- 2 By this application, the applicant seeks suspension of sentence and enlargement on bail, pending hearing and final disposal of his appeal.

- 3 Perused the papers with the assistance of the parties. A perusal of the evidence of PW 1 – Aarti Ajay Raut (wife of the

applicant) shows that the applicant used to doubt her chastity and used to treat her with cruelty. She has also alleged that the applicant used to assault her and her sons and that she has lodged police reports on two to three occasions against him. She has stated that she, therefore, along with her sons, started residing separately from him. She has further stated that the incident took place on 20th November 2014 at 5:00 a.m. According to PW 1-Aarti, when she had gone to attend nature's call and was coming out of the bathroom, one person tied her hands from behind and tried to pour a solution in her mouth; and she gave a jerk, as a result of which, the solution fell on her person, resulting in a burning sensation. She has stated that she raised an alarm, pursuant to which, her elder son came out of house and ran towards her and thereafter, she and her son held the said person, whose face was wrapped with a piece of cloth. She has stated that when her son unwrapped the cloth from the face of the said person, they saw that it was the applicant. Thereafter, the applicant tried to escape, however, due to alarm raised by PW 3 (son of PW 1) and the PW 1, some persons came to the spot and held the applicant. She has stated that the solution was nitric acid and that she sustained burn

injuries on her person, because of the same. *Prima facie*, the evidence of PW 1 is consistent with that of PW 3-Ankit Ajay Raut (son). The applicant was apprehended at the spot soon after the incident.

4 Considering the material as against the applicant, this is not a fit case to enlarge the applicant on bail. Application is accordingly rejected.

5 The appeal has already been admitted and paper-book is ready. Hence, list the appeal on the final hearing board in the week commencing from 3rd June 2019, at its appropriate place.

REVATI MOHITE DERE, J.