

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

**INTERIM APPLICATION NO. 2986 OF 2021
IN
CRI. APPEAL NO. 999 OF 2021
WITH
CRI. APPEAL NO. 999 OF 2021**

Suraj Revansidh Mhamane ... Applicant/Appellant.

Versus

The State Of Maharashtra ...Respondent.

Ms. Shraddha Sawant, Advocate for the Applicant/ Appellant.
Ms. P. N. Dabholkar, APP for the State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 6th APRIL, 2022.**

P. C. :

1. This is an Application for suspension of sentence and grant of bail.

2. The Applicant/Appellant has been convicted for the offence punishable under section 307 of the Indian Penal Code to sentence to suffer rigorous imprisonment for ten years.

3. The case of the prosecution is that the applicant-accused had been to Solapur for Dussehra Festival on 15.10.2018. On 19.10.2008 the marriage of his daughter - Anju was fixed with one Yogesh. The accused took victim in the lane and assaulted her with cutter on her neck. She

suffered injuries. She was taken to hospital and FIR was lodged.

4. Learned Advocate for the Applicant submits that the Applicant is in custody for a period of about three and half years. The appeal may not reach for hearing within short span of time. There were injuries on the person of the accused which are not explained by the prosecution. There are serious discrepancies in the evidence. The victim is resident of Hyderabad. The Applicant's permanent residence is at Pune and the incident occurred at Solapur. In the event, the Applicant is granted bail by suspending the sentence there is no apprehension about any threats to injured at the instance of the Applicant. The defence of the accused was not considered by the trial Court. The prosecution has not examined interested witnesses. Statement of the independent persons did not refer the case of defence nor they were cross-examined.

5. The learned APP submitted that the incident is of serious nature. There is sufficient evidence against the applicant. The evidence cannot be discarded. The trial Court has rightly convicted the Applicant. The assault was brutal. The victim survived fortunately. There were three injuries on the neck of the victim.

6. I have perused the evidence and the FIR, lodged by the father of the victim. The accused had assaulted the

victim with cutter. The injuries were caused to the neck of victim. The prosecution has examined the injured as well as eye witnesses to the incident. PW-3 has stated that the applicant accused had forcibly taken the victim towards parking lane and pressed her mouth and assaulted by the cutter on her neck. PW-4 has also supported the prosecution case. He is an eye witness to the incident. PW-6 is the injured and specific role has been attributed by him to the Applicant, having admitted the victim in the hospital. He has stated that the applicant approached her and gave blow by cutter on her neck. The medical evidence indicates that there are three injuries on the neck of the victim. PW-8 is medical officer, who examined the victim with history of neck injury and found incised wound over anterior upper neck with transverse cut of thyroid cartilage through, with air leakage and evidence of strap muscles of neck cut horizontally. The medical reports indicates that the above injuries are grievous and dangerous to life. The medical evidence supports the prosecution case. The medical report cannot be stated to be fabricated.

7. The learned counsel for the Applicant had contended that the Applicant is in custody for about three and half years. The injury certificates reflects the possibility of injury to the victim as per defence raised by the accused.

8. Considering all these aspects, I pass following order :

ORDER

- i.** Interim Application No. 2986 of 2021 is rejected.
- ii.** Hearing of the Appeal is expedited.
- iii.** In the event, the Appeal is not heard for two years, the Applicant is at liberty to prefer fresh application for bail.
- iv.** This order may be communicated to the Applicant/ Appellant through concerned jail authority.

(PRAKASH D. NAIK, J.)

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