

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

**INTERIM APPLICATION NO.2311 OF 2022
IN
CRIMINAL APPEAL NO.323 OF 2020**

Vijay Nandkumar Patil Applicant
Versus
The State of Maharashtra Respondent

Mr. Vikas Kolekar, Advocate for the Applicant.
Mr. R.M. Pethe, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 30th AUGUST, 2022**

P.C. :

1. This is an application for suspension of sentence and release of the applicant on bail during pendency and final disposal of Criminal Appeal No.323/2020.

2. Heard Shri Vikas Kolekar, learned Counsel for the applicant and Shri R.M. Pethe, learned APP for the State.

3. The only submission advanced by learned counsel for the applicant is that the applicant has served more than four years of actual imprisonment out of the total sentence imposed on him of seven years and, therefore, the

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bail should be granted to him.

4. I have considered these submissions. I have also perused the evidence of the victim. She was examined as PW-1. She was wife of the applicant. The incident occurred on 16.12.2012. She was living separately from the applicant. He followed her and stabbed her with knife on her chest, left hand and stomach. The injuries were quite serious. The Medical Officer (PW.7) has opined that if the knife is stabbed twice at the same place in the abdomen the injury mentioned at Sr. No.3 on inguinal region was possible. The evidence shows that the surgery was performed on the victim. She had suffered following injuries :

- (i) CLW on chest right side 3 cm x 2 cm x 3 cm;
- (ii) CLW on abdomen left side, intestine exposed
10 cm x 3 cm x 5 cm;
- (iii) CLW over left lower third arm 3 cm x 2 cm.

This was deposed by PW-8 Dr. Khot. The intestine had come out and she had to be operated. Those injuries were quite serious. The manner of assault was

dangerous. The safety of the victim is at stake and, therefore, I am not inclined to grant bail to the present applicant pending final disposal of this appeal.

5. However, the issue of placing the matter on final hearing board can be decided. For that purpose, the appeal is already directed to be placed on board for further directions on 27.9.2022. The order is passed for serving the victim as well. In this view of the matter, the appeal can be decided earlier. This application, however, is rejected.

(SARANG V. KOTWAL, J.)