

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3169 OF 2023

IN

CRIMINAL APPEAL NO.700 OF 2023.

Sallauddin Isak Sayyad

.. Petitioner

vs.

The State of Maharashtra

.. Respondent

Ms. Padmini G. Ainapure for the Petitioner.

Mr. J. P. Yagnik APP for the Respondent-State.

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 9th JANUARY, 2024.

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1) This is an Application for suspension of sentence and releasing the Applicant on bail.

2) Applicant is convicted under Section 302 of the Indian Penal Code by the trial Court for committing murder of his wife, namely, Smt.Sadika, near Room No.4 of Transit Camp, PMT Colony No.9, Pune, i.e. at a public place. The motive as propounded by the prosecution is that the Applicant was having suspicion over the fidelity of his wife Smt.Sadika. There are two eye witnesses to the present crime, namely, Arif Bashir Shaikh

(PW.3) and Shaukat Rafiq Shaikh (PW.4). There is recovery of knife at the instance of the Applicant in presence of PW.8, under Section 27 of the Evidence Act which has been duly proved by the prosecution.

3) In view of the above, we are not inclined to release the Applicant on bail at this stage. Application is accordingly rejected.

4) List the Appeal for Final Hearing Board as per its own turn.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)