

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

**INTERIM APPLICATION NO. 885 OF 2024
IN
CRIMINAL APPEAL NO. 707 OF 2017**

Kisan Bhaiji Surela	...Applicant/Appellant
Versus	
The State of Maharashtra	...Respondent

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Mr. Pawan Mali for the Applicant/Appellant.
Ms S.S. Kaushik, APP for the Respondent/State.

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CORAM	:	NTIN W. SAMBRE & MANJUSHA DESHPANDE, JJ.
DATED	:	10th OCTOBER 2024

P.C.:

1. The prayer for suspension of sentence and release on bail is pressed on two counts: a) that accused was arrested on October 24, 2014 and has undergone for more than 10 years of sentence and b) Section 106 of the Evidence Act has not have any applicability in the case in hand and chain of events is not established by the prosecution.
2. We have read the evidence of PW-3, who was eye witness and wife of the Applicant. The said witnesses turned hostile.
3. Her examination-in-chief suggests that the Applicant was present at the time of incident.

4. Apart from the above, there is recovery of clothes and weapons. That being so, no case for grant of suspension of sentence and grant of bail is made out. The Application stands rejected.

5. Criminal Appeal No. 707 of 2017 be added to the final hearing board in the 2nd week of January 2025.

(MANJUSHA DESHPANDE, J.)

(NITIN W. SAMBRE, J.)