

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

**INTERIM APPLICATION NO.2689 OF 2024
IN
CRIMINAL APPEAL NO.709 OF 2024
WITH
INTERIM APPLICATION NO.2690 OF 2024
IN
CRIMINAL APPEAL NO.709 OF 2024**

Vaibhav Vitthal Sasane	 Applicant
versus	
The State of Maharashtra	 Respondent
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- Mr. Vishal V. Rankhambe, Advocate for Applicant.
- Mr. Shrikant H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JULY, 2024

P.C. :

1. These applications are filed by the original Appellant for suspension of sentence and for his release on bail during pendency of the Appeal.
2. Heard Mr. Vishal V. Rankhambe, learned counsel for the Applicant and Mr. Shrikant H. Yadav, learned APP for the State.
3. The Applicant along with the original accused No.1 his brother were convicted by the Additional Sessions Judge, Greater Mumbai, vide his Judgment and Order dated 29/05/2024 passed in Sessions Case No.40/2014. The Applicant

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along with his co-accused were convicted for commission of offences punishable u/s 364, 307, 201 r/w 34 of the Indian Penal Code. They were sentenced to suffer rigorous imprisonment for 7 years u/s 364 r/w 34 of the IPC. They were sentenced to suffer rigorous imprisonment for 7 years for commission of offence punishable u/s 307 r/w 34 of the IPC. They were also sentenced to suffer rigorous imprisonment for 2 years for commission of offence punishable u/s 201 r/w 34 of the IPC.

4. The prosecution case is that the Applicant and his brother Pappu had taken money from the victim in this case Uday Shetty in the year 2013. The victim was demanding back his money and therefore the accused had got annoyed. On 24/10/2013 on the pretext of repaying his loan, both the accused i.e. the Applicant and his brother took the victim in a car to take him to Badlapur for payment. They were joined by the third accused Sagar in the car. During their travel all of them assaulted the victim with knife and hammer. He became unconscious in the car. They threw him near a forest. Somebody

noticed his condition and informed the police. The police came there and took him to Central Hospital, Ulhasnagar. Then he was shifted to Sion Hospital and then to Surana Hospital.

5. Learned counsel for the Applicant submitted that the victim was in a position of giving statement before the police. That means that the injuries were not serious. He had not given names of the assailants to the doctor. The Applicant was on bail during trial. However, during trial and post his conviction, he was in custody for more than 2 years and 3 months, out of the sentence of 7 years. Therefore, he be granted bail.

6. Learned APP opposed these submissions based on the evidence of the victim and the evidence of the doctor.

7. I have considered these submissions. The victim is examined as PW.2. His injuries are mentioned by the PW.18 Dr. Hashal Gawai, as follows :

- “(1) Incised wounds 5 x 1 cm sub cutaneous deep vertical, bleeding was there over the right forearm.
- (2) Incised wound 8 x 2 cm sub cutaneous deep,

bleeding present over the left sternal region.

- (3) Incised wound of size 1 x ¼ cm x ¼ cm vertical over the left side of the chest.
- (4) Incised wound 6 x 3 x 2 cm over the left lower ribs.
- (5) Incised wound of size 3 x ¼ cm over left hand dorsum.
- (6) Incised wound of size 4 x 1 cm over right forearm upper 1/3rd.
- (7) Two incised wound of size 1 x ¼ x ¼ cm and 3 x ¼ x ¼ cm, bleeding present over left shoulder.
- (8) Incised wound 3 x 1 cm sub cutaneous deep, bleeding present over left forearm.
- (9) Incised wound vertical 5 x ½ x ½ cm over left cheek.
- (10) Multiple incised wound 3 to 4 cm x ½ cm sub cutaneous deep over frontal region of skull.”

8. PW.17 Dr. Thakur had operated the victim which shows that there was injury to the diaphragm. There was transverse colon perforation. There was pancreatic tail injury. He has deposed that those injuries were life threatening injuries. Thus, the offence is very serious. There is sufficiently strong material against the present Applicant. No case for grant of bail is made out. The applications are rejected.

(SARANG V. KOTWAL, J.)