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

**INTERIM APPLICATION NO.2255 OF 2024
WITH
INTERIM APPLICATION NO.2256 OF 2024
IN
CRIMINAL APPEAL NO.655 OF 2024**

Hajimalang Matab Nadaf .. Applicant
vs.
State of Maharashtra & Anr. .. Respondents

Mr. Sangram B. Suryavanshi for the Applicant.

Ms. Priyanka S. Rane APP for the Respondent-State.

Mr. Ganpati Bandgar, P.C.No1286, Solapur Rural police station present.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 10th JULY, 2025

P C. :

1. These Applications are for suspension of sentence and for release on bail pending final disposal of Criminal Appeal No.655 of 2024. The Applicant was convicted by the Additional Sessions Judge, Solapur by the Judgment and Order dated 10/01/2019 passed in Sessions Case No.224 of 2019 under Section 307 of I.P.C. The Applicant was sentenced to suffer R.I. for life and to pay a fine of Rs.10,000/- and in default of payment of fine to under S.I. for six months.

2. The Applicant is in custody since 23/06/2019.

3. Heard Mr.Suryavanshi, learned Advocate for the Applicant and Ms.Rane, learned APP for the Respondent-State.

4. The prosecution case is that on 21/06/2019 at 8.00 pm because of some previous petty quarrel the Applicant came near the victim Shahid Gafur Nadaf and stabbed on his stomach on the right side with a knife. The other friends present rescued the victim. The FIR was lodged, the investigation commenced and the Applicant was arrested. During the trial, the prosecution mainly relied on the evidence of victim, who was examined as PW1 as well as on the medical evidence of Dr.Rohan Khairatkar was examined as PW4. The doctor described the injury as grievous injury on the stomach. It was dangerous and likely to cause death. The medical certificate shows that the victim was referred to surgery department and he was discharged on 30/06/2019. There was injury to right iliac fossa region. The assault was on a vital part. Therefore, as far as evidence is concerned, there is sufficiently cogent evidence against the Applicant. The learned Counsel for the Applicant submitted that the prosecution has failed to prove its case beyond reasonable doubt and there was no intention to commit murder of the deceased on the part of the Applicant. However, looking at the nature of injury and the vital part on which the stab was inflicted, the submissions of the learned Counsel does not have any force. The Applicant is in custody

since 23/06/2019. In between for a period of one year, he was released on temporary bail, during spread of pandemic. However, the learned APP has submitted a report dated 8/03/2025 under the signature of Police Inspector, Akkalkot North police station wherein it is mentioned that in past there was another offence registered against the Applicant vide C.R.No.145 of 2013 at that police station and in which he was convicted though the report mentions that the offence was under Section 302 and 323 of I.P.C. but the Applicant was convicted for offence punishable under Section 304 Part II of I.P.C. and was sentenced to suffer R.I. for seven years. After he had undergone that sentence there was no improvement and the Applicant has committed this offence.

5. Considering this background and the nature of evidence, we are not inclined to grant bail to the Applicant pending this Appeal. The Application for suspension of sentence and the Application for grant of bail are therefore rejected. The Applications are dismissed.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)