

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1521 OF 2025****IN****CRIMINAL APPEAL NO. 535 OF 2025**

Hanif Sarvar Khan

.....Applicant

Vs.

State Of Maharashtra & Anr.

.....Respondents

Ms. Manisha Devkar, Appointed Advocate for Applicant.
Smt. Madhavi H. Mhatre, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**
DATE : 9th FEBRUARY, 2026.

PC.:-

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail during the pendency of Appeal.
- 2) Heard Ms. Devkar, learned Advocate appointed to represent the Applicant and Smt. Mhatre, learned APP for Respondent, State. Perused record.
- 3) Applicant is convicted under Sections 307 and 342 of the Indian Penal Code and is sentenced to suffer imprisonment for life and to pay a fine of Rs. 10,500/- by the learned Additional Sessions Judge, Greater Mumbai, in Sessions Case No. 80 of 2024, by its Judgment and Order dated

21st January 2025.

4) Perusal of record indicates that, the victim herein is the erstwhile wife of the Applicant. The Applicant and his wife (PW No. 1) had taken divorce on 20th June 2023. That, on 28th June 2023, when PW No. 1 was proceeding for her job by walk, the Applicant came there from a rickshaw; stopped it near PW No. 1; came out of the rickshaw and forcibly made PW No. 1 to sit in the rickshaw. The said incident occurred near Bharatbank, University area. After PW No. 1 sat into auto rickshaw, the Applicant took out a knife and stabbed with it on the left side of the stomach of PW No. 1. The Applicant again supposed assault PW No. 1, however when the rickshaw stopped at the signal, PW No. 1 pushed him, jumped out of the rickshaw and ran away. This happened near the Navrang Zerox Centre at Kalina. The injured PW No. 1, was standing near the road when one sweeper lady came to help her and took PW No. 1 to her mother.

5) Dr. Nikhil M. Gawade (PW No. 5) then attached to V.N. Desai Government Hospital, performed surgery on the injury of PW No. 1. It took about one hour to complete the surgery for PW No.5, as the internal muscles of PW No. 1 were completely torn. PW No. 5 in his testimony has categorically stated that, the said injury was of a nature which would have endangered to life of PW No. 1, if was not treated within time. PW No. 5 has also deposed that, the said injury was possible with a knife (Article 1).

6) PW No. 2 is the sister of PW No. 1, who also corroborates the

version of PW No. 1, to the extent of PW No. 1 suffering injury in a stomach with a knife and her informing PW No. 2 about the said assault by the Applicant. The knife used by Applicant is recovered at the instance of Applicant.

7) After considering the evidence available on record, *prima facie* it appears to us that, the Applicant is the author of the said crime.

8) In view of the above, we are not inclined to grant relief of bail to the Applicant during the pendency of Appeal at this stage.

9) Application is accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)