

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.1618 of 2015

Dnyaneshwar s/o Ratan Lohkare. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. S.B. Rajebhosale, Advocate, for applicant.

Shri. K.S. Patil, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 15th APRIL 2015

ORDER:

1) The application is filed for bail. Both the sides are head. Papers of investigation are made available.

2) Previous application of the present applicant bearing Criminal Application No.893 of 2015 was disposed of by this Court by order dated 27th February 2015. After advancing arguments exhaustively when this Court expressed that the Court is not inclined to grant the

relief, learned counsel had made statement on instructions that he wants to withdraw the application and so the order of disposal was made accordingly. The previous order needs to be treated as the order of disposal on merits. On that occasion this Court had decided application of other accused bearing Criminal Application No.619 of 2015. Considering the material available against those accused and the role played by them this Court granted bail to those accused persons.

3) In view of these circumstances, it was necessary for the applicant to show that there has been change in circumstances. The learned counsel for the applicant submitted that there is some inconsistency in the record, in the letter of requisition given by investigation officer Shri. Jine to Medical Officer, Ghati Hospital. In view of this circumstance, order was made by this court on 13-4-2015 and explanation was called. The investigating officer has given explanation. The injured was taken to MGM Hospital and by mistake he had mentioned the name of Medical Officer, Ghati Hospital. The requisition letter was given to the MGM Hospital.

4) This court has discussed the material in paragraphs 3 and 4 of the previous order which is as under :-

"3. The crime is registered in M.I.D.C. Waluj Police Station under C.R.No.1 of 2015 for offence punishable under sections 307 etc. of I.P.C. against the applicants. In the incident dated 31st December, 2014, after 10.30 a.m. the applicants went to the house of brother of complainant. They picked up quarrel and they assaulted him. There is allegation against Dnyaneshwar that he used knife and gave blow on the abdomen of Ambadas. There is allegation against other applicants like Suresh Dabhade and Ganesh Tejankar that they assaulted Ambadas by kick blows and fists.

4. The injury certificate shows that the injury was inflicted by using knife at abdomen and there was free fluid in abdomen. He was indoor patient from 1st January, 2015 to 11th January, 2015. The injury is described as grievous. There were two other injuries like 2 C.L.Ws. over back but they were simple though they are shown to be caused by sharp object."

5) The injury certificate shows that there were three injuries found on the person of the injured. The first injury is vertical CLW on left anterior axillary line below coastal margin. This injury was described as grievous. The other two injuries were CLW over back left side. The

injured was indoor patient for about 10 days. Considering the part of the body on which the blow was inflicted there was danger to the life of the injured. In any case there is material against the applicant and releasing him on bail will create danger to the life of injured.

6) The learned counsel for the applicant submits that the applicant wants to marry and his marriage is fixed on 23rd April 2015 and as the charge sheet is filed, the applicant be released on bail.

7) Considering the material available against the applicant this Court holds that bail cannot be granted. The application is rejected. The observations made are only for the purpose of present proceeding.

Sd/-
(T.V. NALAWADE, J.)

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