

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 196 OF 2015

Nadim Raffik Nayakwadi

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Shekhar Ingawale for Applicant
Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : FEBRUARY 11, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 30/09/2014 in crime no. 151 of 2014 registered at Laxmipuri Police Station, Kolhapur (initially) for offence punishable under sections 324, 323, 143, 147, 148, 149, 504, 506, 427 r/w 34 of Indian Penal Code. Subsequently, section 307 of Indian Penal Code is added. Investigation is completed and charge-sheet is filed.

2) It is the case of prosecution that on 26/09/2014, Abhijit Devane lodged a report at the police station that during the Navaratri festival, he was standing at square along with Sandip Shinde. Suddenly, present applicant and his

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associates questioned him as to why he had joined PM group. At that time, Javed Pathan slapped Sandip Shinde and others had assaulted him with stones and sticks. At that time, present applicant is alleged to have assaulted the complainant with a sword on his head. He had saved himself and had fled away. It is alleged that present applicant had told the complainant that although, he has rescued himself at that juncture, some day he would kill him. He had also uttered the words that he has eliminated one person from the said group.

3) Learned counsel for the applicant has placed reliance upon the injury certificate issued by Medical Officer of Civil Hospital, Kolhapur. It shows that complainant had sustained contused lacerated wound over frontal region, right side over skull. There was no fracture. City scan was not done. Hence, according to the learned counsel, section 307 of Indian Penal Code would not be attracted.

4) Learned APP submits that complainant had saved himself at the nick of the moment, however, he was threatened of dire consequences by the present

applicant. Learned APP further submits that applicant does not deserve grant of bail as he has serious criminal antecedents right from the year 2009. He was an accused in crime no. 28 of 2010 registered at Laxmipuri Police Station for offence punishable under section 302, 201 & 120 (B) of Indian Penal Code.

5) Learned counsel for the applicant submits that applicant had been acquitted in the said offence. However, there are other offences and it would simply indicate that when he is granted bail in a particular offence, he has indulged into similar offences thereafter and therefore, he does not deserve grant of bail.

ORDER

(i) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)