

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 79 OF 2015

Satish Babu Kale

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Vaibhav R. Gaikwad, Advocate for the applicant.

Mr. S.S. Pednekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**DATE : **JULY 10, 2015****P.C.:**

This Application is moved for bail. The applicant/accused is prosecuted for the offences punishable under section 307, 506 r/w. 34 of the Indian Penal Code in C.R. No. 24 of 2014 registered with Lonand Police Station, Taluka Khandala, District Satara.

2. The incident of assault has taken place on 13th February, 2014 at around 8.45 p.m. when complainant Mangesh Mane alongwith Nilesh Kisan Govekar had food in Village Lonand at Chinese Corner, the applicant/accused and his two friends, who are co-accused, suddenly started assaulting Nilesh. Co-accused Akshay Gaikwad held Nilesh and applicant/accused and other accused assaulted him with weapons. Nilesh was injured and taken to the hospital for treatment. Thereafter, the offence was registered and applicant/accused was arrested on 14th February, 2014. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that

there is no motive behind this assault and this incident has taken place due to previous enmity, however, nothing is mentioned about the same. The learned counsel relied on the order of granting bail dated 14th August, 2014 passed by my predecessor in Criminal Bail Application no. 1227 of 2014 of Akshay Kaildas Gaikwad. The learned counsel submitted that the applicant/accused has no criminal antecedents. He, therefore, submitted that on parity, the applicant/accused be released on bail.

4. Learned APP opposed the Application. He submitted that the applicant/accused has no criminal antecedents. He relied on the injury certificate.

5. Perused the FIR and the injury certificate. The injury certificate prima facie corroborates the details given of assault in the FIR. A specific role is attributed to the applicant/accused that he was holding knife and has inflicted many blows on the injured. There was a compound fracture right parietal bone, partial amputation of left ear. There were many other injuries and a fracture of right 4th and 5th metacarpals. Considering this, it is not a case to grant bail. Hence, the Application for bail is rejected. However, as the applicant/accused has no criminal antecedents, liberty is granted to the applicant/accused to file fresh Bail Application after 8 months.

(MRS.MRIDULA BHATKAR, J.)