

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

**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 172 OF 2015

IN

CRIMINAL APPEAL NO. 185 OF 2015

Irrappa @ Chermal Subhash Dhangar ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mrs. Nasreen S. K. Ayubi, Advocate appointed for the Applicant.

Dr. F. R. Shaikh, APP for the Respondent State.

CORAM :- **SMT. V. K. TAHILRAMANI AND  
SHRI. B. P. COLABAWALLA, JJ**

DATE :- **APRIL 27, 2015.**

**P. C.:**

The applicant/appellant (Original accused no.2) has preferred this application. In this application, the applicant has prayed that his appeal may be admitted and he may be granted bail.

2 As far as first prayer is concerned i.e. his appeal may be admitted, the record shows that on 06.02.2015, the

Division Bench of this Court had already admitted the appeal. Hence, this prayer does not survive.

3           As far as the second prayer is concerned, the applicant is seeking bail. It is the prosecution case that on 01.01.2011, at about 7.30 p.m., the applicant along with two other accused assaulted deceased Ashok Kamble. The applicant assaulted deceased Ashok on the head with sword. This is stated by the complainant PW-1 Sakharam who is also an injured witness as well as by PW-2 Siddhesh Redekar, PW-3 Rakesh Maske and PW-4 Prashant Dalvi, who are all eye witnesses to the incident. Thus, as far as merits are concerned, this is not a fit case to grant bail.

4           The applicant has further stated that he may be granted bail on medical ground of his father being ill and his daughter having medical problem. We have perused all the certificates annexed by the applicant to the present application. As far as the father of the applicant is concerned, the certificates pertain to the months of September and October 2014. The papers do not show that the father is suffering from any serious medical problem. As far as daughter of the applicant is concerned, the certificates are of the month of September 2014. The certificates show that the daughter of the applicant fell on the ground on 27.08.2014 and sustained fracture to her left hand. The daughter has already been treated for the said fracture. Hence, looking to the medical papers of the father and the daughter of the applicant,

we do not think that this is a fit case to grant bail even on medical ground, hence, the prayer for bail is rejected.

**[SHRI. B. P. COLABAWALLA, J.] [SMT. V. K. TAHILRAMANI, J.]**