

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.382 OF 2015

Gaurav Prakash Kadam

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Satyavrat Joshi for the Applicant

Mr.D.P. Adsule, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 6, 2015**

P.C.:

1. This is an application for bail. The applicant is facing charges under sections 307, 323, 504, 5046 r/w section 34 of the Indian Penal Code in relation to C.R. No.139 of 2013 registered with the Pimpri police station, Pune. It is the case of the prosecution that the son of the complainant and daughter of one Kumar Dabhole were in love with each other. However, the family members of the girl did not like this. So, her brother and the applicant/accused who is a friend of her brother, told the complainant that he should tell his son that he should not keep contact in any manner with his sister. Thereafter, on 7.5.2013, in the evening, when the complainant was going alone in his car, the applicant/accused alongwith other 2 co-accused contacted him and stopped his car and assaulted him with sword and knife. He got injured. Thereafter, he got admitted in the hospital and

then gave complaint.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused is innocent. The co-accused S.B. Khandagale who was attributed the same role, is released on bail. He is in prison since May, 2013 and there are no criminal antecedents which are reported against him. He therefore prays for bail.

3. The learned Prosecutor has opposed the application. He relied on the injury certificate. It is not a case of one or two blows but of nine serious injuries on the body of the complainant.

4. Perused the FIR and the injury certificate. There are six incised wounds on the vital part and three stab wounds. There were three persons, who attacked the complainant. The applicant/accused appears to be a person who took the initiative. Under such circumstances, I am of the view that it is not a case for granting bail. Accordingly, the bail application is rejected. However, the applicant/accused is given liberty that a fresh application for bail can be filed after nine months if the trial does not commence by then.

(MRS.MRIDULA BHATKAR, J.)