

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 450 OF 2015

Bharat Rajesh Badgujar	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Rahul S. Kadam, Advocate for the applicant.
Mr. D.P. Adsule, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 21, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under sections 143, 147, 148, 149, 307, 504 of the Indian Penal Code, under section 37(1) r/w. 135 of Bombay Police Act and under section 4(25) of the Arms Act in C.R. No. 136 of 2014 registered with Bibvewadi Police Station, Pune. One Sachin Ashok Pawar is the informant.

2. it is the case of the prosecution that the applicant/accused and his friends used to drink publicly and talk loudly, which caused nuisance. On 18th October, 2014 in the evening, the complainant told the applicant/accused and his friends not to drink and talk loudly in front of his house, at that time, applicant/accused and his friends got angry and they assaulted complainant with sword and other sharp edged weapons.

When the brother of the complainant tried to intervene, he was also assaulted. Both the complainant and his brother were seriously injured. Immediately the complaint was lodged on 19th October, 2014. The applicant was arrested on 22nd October, 2014. Hence, this Bail Application.

3. The learned counsel for the applicant/accused submitted that the applicant/accused is innocent. He has not committed any offence. All other accused have attacked the complainant and his brother. There was previous enmity between the applicant/accused and complainant, therefore, he is falsely implicated in the present case. The learned counsel submitted that applicant/accused is not well and needs to undergo surgery. The applicant is behind the bar from 22nd October, 2014 and hence he be released on bail.

4. Learned APP opposed the Application and relied on the injury certificate of Sachin Pawar and Rahul Pawar. He submitted that the injuries are serious. They were assaulted with sword and other sharp edged weapons. Learned APP submitted that as per the police record, including the present case, 12 cases are registered against the applicant/accused.

5. Perused the FIR, injury certificates and statement of other witnesses. The statements disclose that incident of assault has taken place. The name of the applicant/accused is mentioned by all the witnesses. The act of assault is also attributed to him. There is recovery of weapon at the instance of applicant. Injury certificates disclose that there was a stab injury. Four injuries were sustained to Sachin and 5 injuries to Rahul. There was chop wound extending from nose till chin. Multiple CLW were caused. There were incised and more chop wounds. The wrist is fractured. According to the learned counsel for the applicant/accused, as on today, only three cases are pending. In view of this criminal record and the manner in which the incident has taken place, I am not inclined to grant bail to the applicant/accused. Hence, the Application for Bail is rejected.

(MRS.MRIDULA BHATKAR, J.)