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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.483 OF 2015

Nitin alias Bapu Janaradan Shinde	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Prasanna K. Shahane, for the Applicant.
Ms.Rutuja Ambekar, APP for the Respondent – State.
PSI – Ganesh A. Kad, Ulhasnagar Police Station. Thane.

CORAM : REVATI MOHITE DERE, J.
DATED : 25th MARCH, 2015.

P.C.

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-264 of 2014 registered with the Ulhasnagar Police Station, Thane, for the alleged offences punishable under Section 307 of the Indian Penal Code.
3. The incident in question has taken place on 16th October, 2014 at

about 2.00 p.m. The complainant is Ramparvesh Surendra Gupta, who was also injured in the said case. It is alleged by the complainant that two months prior to the incident, the applicant was collecting funds for free medical check-up camp which he was organizing. It is alleged that the applicant asked the complainant to contribute, and as the complainant refused to contribute, the applicant threatened the complainant stating that '*I will see you the next time*'. On 16th April, 2014, when the complainant was standing opposite a Kirana Store close to his residence, the applicant suddenly came towards him and stated that '*Now I will kill you*' and immediately assaulted the complainant with a blade on his neck. The applicant again tried to assault the complainant, however, the complainant pushed the applicant and cried for help, as a result of which people gathered at the spot, pursuant to which, the applicant ran away. The public thereafter stopped an unknown person and with his help, took the complainant to the Central Hospital, Ulhasnager for treatment.

4. Learned Counsel for the Applicant contended that the nature of injury as is evident from the injury certificate is a simple injury and that the offence is not one under Section 307.

5. Learned APP opposed the bail application. She contended that the said incident was witnessed by the wife of the complainant and two other independent witnesses who have categorically stated that the present applicant came near the complainant and stated 'अब मे तूझे जानसे मार देगा' and thereafter assaulted the complainant with a blade on his neck. She submitted that before the second assault, as the complainant cried for help, and as people gathered, the applicant ran away from the spot. She contended that there are six CR's registered, as against the present applicant and that all the six CR's are with respect to bodily related offences from the year 1996 upto 2008. It also appears that the applicant was convicted in one C.R of 1997 and his appeal is pending.

6. Perused the charge-sheet. The statement of the complainant, shows that the applicant had gone there with the intention to kill the complainant and had assaulted him with a blade on his neck. There are eye-witnesses to the said incident, who corroborate the statement of the complainant. Apart from the aforesaid, it also appears that the applicant is a habitual offender, with several offences registered against him. In two of the six cases, the applicant has been acquitted, in one he is convicted and the rest are pending. The present incident has taken place, whilst the

applicant was enlarged on bail in those cases. The possibility of the applicant, threatening the complainant/witnesses, considering his antecedents also cannot be ruled out. Hence, the applicant does not deserve to be enlarged on bail.

7. Hence, the Application for bail is rejected and disposed of as such.

8. Needless to observe, that the trial court shall decide the case on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)