

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.516 OF 2015
IN
CRIMINAL APPEAL NO.497 OF 2015

Mangala Krushna Kamble	..Applicant
<i>Versus</i>	
State of Maharashtra	..Respondent

....
Mr. Abhijeet P. Kulkarni, for the Applicant.
Mr. A.R. Patil, APP, for the State.
....

CORAM : A. R. JOSHI, J.

DATE : 26th AUGUST, 2015

P.C.

1. Heard rival arguments on this application for bail during pendency of appeal and suspension of sentence. Appeal is already admitted.

2. The applicant is convicted for the offence punishable under Section 307 of IPC and sentenced to suffer RI for five years and to pay fine of Rs.500/-. The facts of the matter are very disturbing inasmuch as the incident of assault a rather murderous attack on the life of the complainant happened in the flat of the complainant when the complainant was staying alone and the present applicant/accused was known to her as a

maid-servant working in the said premises. In fact on the previous night the applicant had taken shelter in the flat of the complainant on an excuse that she has been thrown-away from her house by her husband. Taking pity on the applicant/accused the complainant woman, then aged about 75 years, gave shelter to the applicant. In fact on that night another friend of the applicant also took shelter in the same flat on the excuse that the house of said friend of the applicant was under painting-work. Both these women stayed overnight in said flat and on the next day morning the friend of the applicant left, leaving behind the applicant in the flat in company of the old woman. By taking advantage of solitude of the woman, the applicant tried to strangle the complainant and in that process some injuries were caused on the head of the complainant. The complainant raised shouts but then subsequently became unconscious. The neighbours rushed to the flat and found the applicant standing in the kitchen in presence of the complainant who was then apparently lying on the ground. The applicant was apprehended by the neighbours. After sometime the complainant regained consciousness and narrated the incident as to the applicant trying to strangle

her and caused injuries on her head. As such, complaint was lodged with the police.

3. Considering that the offence established against the present applicant is of serious nature and but for the good fortune of the complainant, she remained alive otherwise she would have succumbed to the assault committed on her by the applicant. In any event, in the opinion of this Court, this is not a case in which the applicant can be released on bail during pendency of appeal. As such, present application for bail during pendency of appeal is dismissed and accordingly disposed of.

(A. R. JOSHI, J.)

Deshmane (PS)