

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.633 OF 2015
IN
CRIMINAL APPEAL NO.599 OF 2015

Shivaji Rajendra Jadhav

..Applicant

Versus

State of Maharashtra

..Respondent

....

Mr. Vikas B. Shivarkar, for the Applicant.

Mr. A.R. Patil, APP, for the State.

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CORAM : A. R. JOSHI, J.

DATE : 14th SEPTEMBER, 2015

P.C.

1. Heard learned Counsel for the applicant. Also heard learned APP for the State.

2. This is an application for bail during pendency of appeal. The appeal is already admitted.

3. The present applicant is convicted for the offences punishable under Sections 307, 326, 452 and 506(2) of IPC. He is also convicted for the offence under Section 37(1) punishable under Section 135 of the Bombay Police Act. For all the offences

under Indian Penal Code, as mentioned above, the applicant is sentenced to suffer imprisonment for seven years on each count with some fine amounts.

4. The allegations against the applicant/appellant are that on 8.3.2012 he assaulted the victim girl out of some alleged love affair. He used sickle for the said assault. In the said assault mother of the girl intervened. The mother was also assaulted by the applicant/appellant with sickle. The injuries to the victim girl, then aged about 17 years, are detailed by doctor (PW-4). Said injuries are as under :

- “ [1] Incised wound 3” X 1” over vertex
- [2] Incised wound 3½” X 1” over vertex just 1” behind the first wound.
- [3] Wound over dorsum of forearm, left side, 6 cm X 4 cm with multiple extensor tendon injuries, bone deep.
- [4] Wound 5 cm X 3 cm X 2 cm, left forearm with Ulna fracture.
- [5] Wound over the little finger with complete tear of capsule near total amputated little finger of left side.”

5. The injury sustained by the mother, first informant, is also mentioned by the said doctor as under :

- “[1] Incised wound 3½” X 1” over left upper arm just above cubital fossa., muscle - deep, bleeding ++”

6. The injuries caused to the girl are of very serious nature and in fact there was a fracture of ulna. The injuries on the women were apparently the defence wounds inasmuch as the applicant had assaulted them apparently in order to do away with them by means of sickle. The women resisted the assault and in that process sustained such severe injuries on their limbs. Though during the trial the applicant was on bail, now the offences, as pointed out earlier, are established against him and mainly the offence under Section 307 and 326 of IPC. He has been sentenced to suffer imprisonment for seven years.

7. The circumstances, as detailed above and as proved against the applicant, do not entitle the applicant to be on bail during pendency of appeal and as such present application is dismissed and accordingly disposed of.

(A. R. JOSHI, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.