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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPEALALTE JURISDICTION

CRIMINAL APPLICATION No. 659 2015

IN

CRIMINAL APPEAL No. 620 of 2015

Sachin @ Gopinath B. Dhumal & Ors ..Applicants/Appellants.

Vs

State of Maharashtra

..Respondent.

Mr Kuldeep U. Naikam for the Applicant/Appellant.

Mrs P.P. Bhosale, APP for the State.

CORAM : A.R.JOSHI,J

DATE : 17th JUNE, 2015

P.C. :

1 Heard learned counsel for the appellants/applicants in this application for bail during the pendency of the appeal. Also heard the learned APP for the State. The appeal is already admitted.

2 The applicants/appellants were convicted for the offences punishable under section 307 read with section 149 of IPC and under sections 143, 147, 148 and 341 read with Section 149 of IPC. For the offence under section 307 read with section 149 of IPC, the appellants were sentenced to suffer R.I. for seven years. Though reportedly the applicants were on bail during the pendency of the trial, now they have been held guilty on the strength of the substantive

evidence mainly of PW 2, injured himself. The role is attributed to every applicant as to taking part in the deadly assault on the victim. When he was coming home along with his young son of seven years old the applicants along with their associates accosted him on the way when they were armed with swords and other weapons and arrived at the spot on the motorcycles. Initially, assault was on the head of the injured which he tried to avoid by raising his hands. In that process, he sustained defence wounds. The injuries on the injured are substantiated by medical evidence of doctor PW 5. There were five incised wounds including incised wounds on the hands and legs and there was one CLW over occipital region having dimension 3x1 cm. Definitely, it was a deadly assault on the injured which could have resulted in his death also. But due to the shout raised by his son, aged about seven years, the assailants fled away when the injured felled in the gutter by the side of the road after receiving severe bleeding injuries.

3 Though it is argued on behalf of the applicants that the assailant who assaulted on the head by means of sword gave only one blow and did not assault more, this cannot be considered as a circumstance in his favour when the assault is by many people

including the present applicants on the injured and when the applicants are armed with swords and other weapons and determined to do away with the injured. In any event, it is not the case in which during pendency of the appeal, the applicants/appellants can be released on bail. Hence, application for bail is dismissed and disposed of.

(A.R.JOSHI, J.)