

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1189 OF 2015

Ramdas Sampat Gavhane

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Vikas Shivarkar for the Applicant.

Mr. S.S. Pednekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th DECEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is arrested in Crime No.29 of 2015 registered with Khed Police station, Pune, for the offence punishable under section 307 of the IPC.

2. The case of the prosecution in brief is as under:

On 28.1.2015 at about 7.45 p.m. the Applicant herein had assaulted one Bheemabai by means of a chopper and had thereby attempted to commit her murder.

3. The bail application filed by the Applicant came to be dismissed by the learned Sessions Judge. In view of which, the Applicant has approached this Court under the provisions of section 439 of the Criminal Procedure Code.

4. Mr. Vikas Shivarkar, the learned counsel for the Applicant has submitted that the statement of the injured is not corroborated by any other witnesses. He has further submitted that the injured is the paternal aunt of the wife of the Applicant and that he has been falsely implicated in view of the matrimonial dispute between him and his wife.

5. Mr. Pednekar, the learned APP has submitted that the offence is of serious nature and that the trial has not yet commenced and possibility of the Applicant of committing similar offence cannot be ruled out.

6. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. One Rohidas Ananda Gadge had lodged a complaint dated 29.1.2015 stating that on 28.1.2015 at about 7.45

p.m. the Applicant herein had inflicted injuries on Bheemabai, as said Bheemabai had intervened and tried to settle the matrimonial dispute between the Applicant and his wife. Pursuant to the said complaint, the aforesaid crime came to be registered for the offence punishable under section 307 of the IPC. The statement of said Bheemabai prima facie reveals that she had arranged the marriage of her niece- Manisha and the Applicant herein. The Applicant was ill treating said Manisha and that she had intervened and tried to settle the matrimonial dispute. Her statement further indicates that on 28.1.2015 while she was standing in front of her house, the Applicant told her to accompany him to the house of one Tarabai. She has further stated that instead of taking her to the house of said Tarabai, the Applicant took her to a different place and thereafter removed a chopper, which he had concealed on his motor cycle and inflicted several blows on her head and face. She has further stated that as a result she felt unconscious.

7. The medical certificate prima facie reveals that the injured had total six injuries. Most of the injuries are bone deep and grievous and are on the vital part of the body.

8. The material on record prima facie reveals that the Applicant is involved in committing the offence, as alleged. The trial of the case has not commenced. Considering this fact and also considering the previous rivalry between the parties, possibility of the Applicant interfering with the witnesses and hampering the trial cannot be ruled out.

9. Under the circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)