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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1529 OF 2015

Vicky Kailas Ahire

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Ramesh G. Mahajan I/b Mr. Rahul B. Chavan for applicant.

Ms. P.P. Shinde, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 15th December 2015.

P.C.

1 The applicant is seeking bail in CR No.I-313 of 2014 registered with Kalyan Taluka Police Station, Thane Rural under Sections 307, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.

2 The incident occurred on 4.12.2014. The prosecution case in brief is that, the family of the victim Bablu @ Anil Kale and the family of the applicant were residing in the same vicinity. There was quarrel amongst the children of applicant's family and victim's family on account of playing games in the School. The family members of the applicant thereafter stormed at the house of the victim and started hurling abuses. At that time

the applicant went inside his house and brought one knife and inflicted the same on the stomach of the victim Bablu @ Anil Kale. Bablu fall down. His intestines had came out of stomach. The victim was thereafter admitted to the hospital. After the victim was discharged from the hospital, his statement dated 15.12.2014 came to be recorded. After completion of investigation the Police have now filed the chargesheet.

3 The learned Counsel for the applicant submitted that though the date of incident is 4.12.2014, the medical certificate is dated 11.12.2014 issued by a private hospital and not by the Government hospital. He further contended that in the said medical certificate the date of admission has not been mentioned. He contended that the victim was an accused in a case filed against him by the family members of the applicant. He lastly contended that though only one knife is used in the present crime, the witness at page no.66 has stated that at the instance of applicant “two knives” have been discovered.

4 I have perused the chargesheet. The first information report dated 4.12.2014 has been lodged by the Smt. Laxmi Kale the mother of the victim. It appears from the record that the victim Bablu @ Anil Kale after his discharge from the hospital gave his statement on 15.12.2014 to the police which has been recorded. The victim in his statement has

specifically and categorically attributed the role of inflicting the knife in his stomach by the applicant. The said statement of the victim has been further corroborated by the medical certificate issued by the Sai Sanjivani Hospital wherein apart from description of the injury, the specific diagram has also been drawn by the concerned Doctor showing the exact place of injury. The chargesheet further discloses that the knife which was used in the present crime by the applicant has been recovered at his instance after effecting a panchanama under Section 27 of the Indian Evidence Act. The said panchanama is dated 10.12.2014. In the said panchanama it is specifically mentioned that the knife which was discovered at the instance of applicant was having blood stains on it. The clothes which were on the person of applicant at the time of commission of offence are recovered at the instance of applicant were having blood stains on it. The record further discloses that the report from Chemical Analyzer is yet to be received by the Investigating Agency. However, after taking into consideration the statement of the victim which is supported by the medical certificate issued by the Doctor, it is apparent that the applicant is a prime accused in the present case. The learned APP has expressed apprehension that if the applicant is released on bail, he will certainly tamper with the evidence and/or threaten the witnesses as he is residing in the same locality.

5 After taking into consideration the gravity of offence and the evidence available on record, it is clear that the applicant is involved in a serious case. The applicant with premeditation has committed the present crime. If the applicant is released on bail, there is every possibility that the applicant will tamper with the evidence. In view of the above, I find that the applicant has not made out any case for grant of bail. The application is therefore dismissed.

(A.S. GADKARI,J.)