

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1004 of 2015
IN
CRIMINAL APPEAL No. 827 of 2015

Rakhma Govind Shinde and Anr ..Applicants.

Vs

The State of Maharashtra ..Respondent.

Mr Balwant Salunkhe i/by Subhash Hulyalkar, for the
Applicants/Appellants.

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

CORAM : A.R.JOSHI,J

DATE : 27th August,2015.

PC. :

- 1) Heard rival submissions on this application for bail during the pendency of the appeal.
- 2) The present applicants along with other co-accused were tried for the offences of rioting and attempting to commit murder of one PW no.2 Bhanudas. At the end of the trial, the other co-accused were acquitted, but the present applicants were convicted for the offence punishable under section 307 read with section 34 of IPC.
- 3) The assault was on PW no.1, PW no.2 and PW no.7. Assault on PW no.2 was of grave nature causing multiple incised wounds by means of an axe. The iron blade (Katti) and the axe were respectively used by the present applicants nos. 1 and 2

who are original accused nos. 1 and 2. The role of the present applicants is specifically deposed by PW no. 1, 2 and 7. PW no.5, doctor, who treated PW no.2 gave details of the injuries and also found that if immediate medical aid would not have been provided to the injured, he would have died. As such the trial Court held both these applicants guilty for the offence under section 307 read with section 34 of IPC and sentenced them to suffer RI for the period of ten years each. The applicants are also convicted for the offence under section 324 read with section 34 of IPC and the minor imprisonment was imposed.

4) Considering the evidence of the prosecution witnesses and mainly those referred earlier, in the opinion of this Court, this is not a case in which the present applicants can be released on bail during the pendency of the appeal. As such the present application is rejected and accordingly disposed of.

(A.R. JOSHI, J.)