

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1232 OF 2014
IN
CRIMINAL APPEAL NO.663 OF 2015

Rajaram @ Ramanna Balya Nayak	..Applicant
<i>Versus</i>	
The State of Maharashtra	..Respondent

....
Mr. Sachin Deokar i/b. V.V. Purwant, for the Applicant.
Mrs. P.P. Bhosale, APP, for the State.
....

CORAM : A. R. JOSHI, J.

DATE : 20th AUGUST, 2015

P.C.

1. Heard rival arguments on this application for bail and suspension of sentence during pendency of appeal.
2. The applicant is convicted for the offence punishable under Section 307 of IPC and is sentenced to suffer RI for 10 years and to pay fine of Rs.5000/- in default to suffer RI for three months.
3. The case of the prosecution is that on the relevant night accused came home from his dispensary and immediately

started assaulting his wife PW-1 the complainant. He assaulted the complainant-wife by means of knife. According to prosecution said knife was subsequently recovered at his instance under panchnama. However, it is argued on behalf of the applicant/appellant that said panch has not supported the prosecution by mentioning that he had not signed the said panchnama. The substantive evidence of doctor who treated the complainant victim woman goes to show that there were incised wounds and one stab wound. The wounds were on various parts of the body i.e. on cheeks, left side of neck, both the lips, right palm, right side of abdomen, waist and hips and on the back and also other parts of the body of the woman. The complainant sustained severe bleeding injuries and fell down. She was taken to hospital in an ambulance by the neighbour. Her statement was recorded subsequently by the police. She was shifted to Sion Hospital sensing the severity of the injuries. Apparently the attack was of such a grave nature that if the complainant woman would not have been treated properly and immediately, it would have been a case of murder, punishable under Section 302 of IPC.

4. Though during the arguments it is argued that the panch did not support the case of prosecution and there is variance in the substantive evidence of PW-2 the neighbour, in the opinion of this Court, this detailed analysis of pros and cons of evidence of prosecution, need not be gone into at this stage. Considering the serious offence and conviction for 10 years, in the opinion of this Court this is not a case in which the applicant can be released on bail during pendency of appeal. Hence, application for bail during pendency of appeal is rejected and disposed of accordingly.

(A. R. JOSHI, J.)

Deshmane (PS)