

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

**CRIMINAL APPLICATION NO.1325 OF 2015
IN
CRIMINAL APPEAL NO.946 OF 2015**

Ramesh Jayashram Pardeshi ..Applicant/Appellant
V/s.
The State of Maharashtra .. Respondent

Mr.Suryakant J. Shelke for the applicant/appellant.
Mrs.P.P. Bhosale APP for the Respondent-State.

CORAM : A. R. JOSHI, J.

DATE : 14th DECEMBER, 2015.

P.C.

1. Heard rival arguments on this application for bail during pendency of appeal. Appeal is already admitted vide order dated 30th October 2015. Since then the application is pending for arguments on bail and suspension of substantive sentences.

2. The applicant is convicted for the offence under section 307 of Indian Penal Code and sentenced to suffer RI for six years and to pay fine of Rs.3,000/- in default to suffer RI for six months. The impugned judgment and order passed on 25th

August 2015. The incident of assault on the complainant-P.W.No.1 occurred in the morning of 22nd April 2010 in front of the tailoring shop of the complainant. The present applicant is original accused no.1 and is real brother of original accused no.2. The assault on the complainant was by present applicant by means of scissors. There were six stab wounds and four incise wounds. The first injury was on the left side middle border of scapular region admeasuring 2.1/2 x 1 x 5 cm. And the injury was treaching to pleura. According to the medical evidence of doctor P.W.No.5 the said first injury was of a grievous nature. The trial Court convicted the present applicant-accused no.1 and acquitted accused no.2 as his role was only remaining present by the side of accused no.1. On instructions learned APP stated that the State has not preferred and do not want to prefer appeal challenging the acquittal of original accused no.2 for the offence under section 307 of Indian Penal Code.

3. Though it is argued on behalf of the applicant that section 307 of I.P.C. is not attracted, the gravity of the injuries

is ascertained by the trial Court leading to the conviction for offence under section 307. Considering these circumstances prima-facie it is not a case for grant of bail during pendency of appeal. Though the applicant was on bail through out the trial and only after conviction in August 2015 he has been taken in custody. As such application for bail is dismissed and disposed of.

(A. R. JOSHI, J)