

Anand

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

BAIL APPLICATION NO.2726 OF 2014

Sanjaybhai Devsibhai Makwana .Applicant

V/s.

The State of Maharashtra .Respondent

Mr.A.P.Mundargi, Senior Counsel i/b.
Mr.Hrishikesh Mundargi, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent -
State

CORAM : REVATI MOHITE DERE, J.

DATE : 22ND APRIL, 2015

P.C.

. Heard the learned counsel for the applicant and the learned APP for the respondent – State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.I-219 of 2013 registered with the Manikpur Police Station, Thane (Rural) for the alleged offence punishable under Section 307

r/w.34 of the Indian Penal Code.

3. According to the prosecution, the wife of the injured was working as an accountant in the firm of the original accused No.1 – Natubhai Ganeshbhai Sihora. It is alleged that the accused No.1 Natubhai was stalking the wife of the complainant/injured. According to the prosecution, on 26.09.2013, the injured dropped his wife at her work place and on his return back home, he was assaulted by two unknown persons at the Manikpur Naka. It is alleged that the present applicant was riding pillion on the motor cycle, along with the original accused No.3. The present applicant is alleged to have stabbed the complainant in his abdomen with a knife.

4. The learned counsel for the applicant submits that although, the injured/complainant has identified the applicant in the identification parade, the applicant has been

in custody since the date of arrest i.e. 03.10.2013, for almost one and half years. He submits that co-accused Rameshbhai Wazadiya i.e. the original accused No.2 has been enlarged on bail by this Court.

5. The learned APP opposed the bail application.

6. It appears from the charge-sheet, that the present applicant is the assailant. The injury certificate reflects that the injured/complainant was given three blows on his abdomen, which injuries were grievous in nature. There is no recovery of any weapon, as the knife with which the complainant was assaulted was stuck in the abdomen. The applicant has been identified by the injured/complainant. The co-accused Natubhai at whose instance the alleged incident had taken place, his bail application has been rejected by this Court. As far as the order

granting bail to co-accused Rameshbhai is concerned, the said accused was not the assailant.

7. Considering the material on record, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected. However, the trial is expedited. The learned Judge shall make an endeavour to dispose of the case as expeditiously as possible.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)