IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.302 OF 2016

Nitin Zendu Waydande … Applicant
Vs.
The State of Maharashtra … Respondent

Mr. Vaibhav R. Gaikwad for the applicant.
Mr. J. H. Ramugade, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 18th February, 2016.

P.C. :

. This is an application for bail filed by the aforesaid applicant who has been arrested in C.R. No.32/2015 registered with Pusegaon Police Station for offence under Section 307, 324, 143, 148, 149, 504 and 506 of the Indian Penal Code.

2. The case of the prosecution in brief is that on 28/3/2015 the applicant and other co-accused formed an unlawful assembly. They were armed with deadly weapons such as swords, axe, knives etc and that they inflicted serious injuries to Sanjay Shivaji Waydande, Dattatray Shivaji Waydande and Tananji Sahebrao Waydande and attempted to cause their death.

3. Heard Mr.Gaikwad, learned counsel for the applicant. He submitted that applicant is in custody since 18/11/2015. He has further submitted that chargesheet is already filed and that the presence of the applicant is not required in custody. He further submitted that the applicant had also filed cross complaint against the first informant and others and that he has been falsely implicated in a false case.

4. Mr. Ramugade, learned APP has submitted that the material on record prima facie shows involvement of the applicant in commission of serious crime. He further submitted that the medical certificate reveals that Dattatray Shivaji Waydande and Tananji Sahebrao Waydande had sustained grievous injuries. He further submitted that there is material on record to show that the applicant is involved in committing offence u/s.307 of IPC, which is serious in nature.

5. I have perused the record and considered the submissions advanced by the Learned APP. The FIR dated 28/3/2015 lodged by Sanjay Waydande prima facie reveals that on 28/3/2015 at about 8.30 p.m. one Sunil Waydande had told him that Santosh Waydande was assaulted by Anil Waydande and others. He has further stated that at about 9.00 p.m. the applicant along with several other persons came near his house armed

with sticks, sword etc and started assaulting him and his family members. The complainant has set out in detail the manner in which the applicants and others had assaulted him and his family members. FIR prima facie reveals that the applicant herein was armed with a sword and had inflicted injuries on Dattatray Shivaji Waydande and Tananji Sahebrao Waydande. The medical certificate of Tananji Sahebrao Waydande prima facie reveals that he had sustained injury on left lumbar region lateral to umbilicus, stab wound on hypochondric region with injury to spleen, injury/perforation with haemoperitorium with bowel perforation with pneumoperitorium. The medical certificate prima facie indicates that the nature of injury was sufficient to cause death in the ordinary course of nature.

6. The records further reveal that the incident had not occurred at the spur of moment but the applicant had come to the house of complainant armed with deadly weapon. Considering the above facts as well as the nature of the allegations as well as the nature of the injuries, in my considered view, the applicant is not entitled for bail. The application is therefore dismissed.

(ANUJA PRABHUDESSAI, J.)