

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

BAIL APPLICATION NO.49 OF 2016

Nikhil Nandkumar Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Ms Smita Kadu i/b. Mr. Rajendra Kadu for the Applicant.

Mr. Arfan Sait, APP for the Respondent -State.

Mr. A.V. Kulkarni, PSI, Bibavewadi Police Station, Pune,
present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 12th FEBRUARY, 2016.

P. C. :

This is an application filed by the aforesaid Applicant, who is facing trial in Sessions Case No.101 of 2015 pending on the file of Additional Sessions Judge, Pune. The said case arises from Crime No.136 of 2014 registered at Bibvevadi Police Station, District-Pune, for offences punishable under sections 143, 147, 148, 149, 307 and 504 of the IPC, sections 37(1) and 135 of the Bombay Police Act and section 4 (25) of the Arms Act.

2. The case of the prosecution in brief is that on 18.10.2014 at about 9.30 p.m. the Applicant and others formed an unlawful assembly

armed with deadly weapons and inflicted injuries on the complainant Sachin Pawar and thereby attempted to cause his death. Said crime was registered pursuant to the FIR lodged by Sachin Pawar. The Applicant was arrested on 21.10.2014. The crime was investigated and upon completion of the investigation charge-sheet was filed and case being sessions triable was committed to the Sessions Court. The Applicant had filed a bail application, which came to be dismissed by the Additional Sessions Judge, Pune, by order dated 23rd February, 2015.

3. The learned counsel for the Applicant submitted that the Applicant has not inflicted any injuries on the complainant and there is no recovery at the instance of the Applicant. She has sated that the Applicant is a young boy and considering the nature of the allegations against the Applicant as well as the age of the Applicant he should be released on bail.

4. The learned APP has placed on record copies of orders dated 9th October, 2015 and 9th February, 2016. He further submitted that the bail application filed by the co-accused Bharat Badgujar and Sagar Raju Nangare, against whom similar imputations are made, have

already been rejected by this Court. He further submitted that the Applicant is not entitled for anticipatory bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The FIR prima facie reveals that on 17.10.2014 at about 11.00 p.m. there was an altercation between the complainant and Sachin Pawar and co-accused Bharat. On 18.10.2014 at about 9.30 p.m. while the complainant was sitting outside his house, said Bharat alongwith the present Applicant came armed with weapons like swords and inflicted injuries on his hands and legs by means of sword. The complainant has stated that when his brother Rahul had intervened the Applicant and other co-accused assaulted and inflicted injuries on his brother Rahul. The FIR prima facie indicates that the Applicant was armed with a sword and that he had inflicted injuries on the complainant and his brother. The statement of the injured persons also prima facie shows the involvement of the Applicant in commission of the said crime. In view of the statements of both theses injured witnesses, the fact that no recovery at the instance of the Applicant is of no consequence. It may be mentioned that the medical certificate also prima facie reveals that the complainant and his brother had

sustained several chop injuries, multiple CLW, stab wounds, etc. including imputation of little finger and right arm. Considering the aforesaid facts this is not a fit case for grant of bail. At this stage it is also advantageous to note that the bail applications filed by the other accused against whom similar imputations are made, have already been dismissed by this Court. I do not find any reasons to take a different view.

6. The application is dismissed.

(ANUJA PRABHUDESSAI, J.)