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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.462 OF 2016

Sunil Genu Ovhal	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Abhaykumar Apte for the applicant.

Ms.R.M.Gadhvi, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 14TH JULY, 2016

P.C. :-

1. The applicant / accused in Crime No.194/2015 for the offences punishable under section 307, 341, 324, 506 of the Indian Penal Code registered with the Vishrantwadi Police Station, Pune by this application is seeking his release on bail.

2. Heard the learned counsel appearing for the applicant / accused. By taking me through the charge-sheet, the learned counsel argued that F.I.R. came to be lodged by one Suresh Popatlal Shah against an unnamed person. He

further argued the injury certificate shows that injured Babulal Shah has suffered simple injuries and, therefore, at the most offence punishable under section 324 of the Indian Penal Code. It is further argued that now the applicant is not residing in the area where the crime was allegedly committed. The applicant is behind the bars since long and, therefore, he be released on bail.

3. The learned APP opposed the application by submitted that the offence alleged is serious in nature. He further argued that the applicant has criminal antecedents and he has committed similar offences in the past. The learned APP further argued that the apart from the informant, there is another injured witness.

4. Perused the charge-sheet. In fact, the F.I.R. leading to the crime in question came to be lodged not by Suresh Shah and by Babulal Shah. Informant Babulal Shah in his F.I.R. averred that he is owner of Jawahar Medical Shop and his nephews namely Suresh Shah and Satish Shah helped him in that shop. As per the version of the informant, fifteen days prior to the incident, the present applicant came to his

medical shop and asked his nephew Satish Shah to pay money to him. The applicant demanded money with the reason that his Sessions Case for offence punishable under section 307 of the Indian Penal Code is ripe for hearing and he, therefore, wants money. The informant further averred that few days back, the applicant again came to his medical shop and demanded money and threatened that if money is not paid to him, then, dire consequences shall ensue. The informant averred that the applicant threatened him by saying that he is already facing one Sessions Case and there will not be any damage to him if he is required to face one more Sessions Case. The informant further averred that on 27th July, 2015 when he as well as his nephew Suresh Shah were proceeding on their motor cycle, the applicant accosted them and assaulted them by knife. The reason stated by the informant is non payment of the amount of extortion by them to the applicant.

5. Suresh Shah who was accompanying the informant also suffered injuries by knife. His statement shows that when he and the informant were proceeding by motor cycle on 27th July, 2015, the applicant accosted them and assaulted them

by means of a knife

6. The Investigating Officer has recorded statement of Satish Shah. Satish has stated that fifteen days prior to the incident when he was present at the Jawhar Medical Store, the applicant came and demanded money from him with the reason that Sessions Case for offence punishable under section 307 of the Indian Penal Code pending against the applicant is ripe for hearing and he wants money. Satish further disclosed that the applicant extended threat of dire consequences in the event money is not paid. Injury certificates issued by the hospital shows that Babulal Shah has suffered injuries on left earlobe to chin of the size 12 x 4 x 3 cm. His nephew Sunil also suffered injury in this incident.

7. The nature, gravity and circumstances in which the offence is committed is always relevant for deciding application for bail. Police report submitted by the APP shows that the applicant is accused in Crime No.44/2011 for offence punishable under section 307 of the Indian Penal Code. He is also accused in Crime No.3028/2000 and Crime No.3095/2012. Papers of investigation shows that other Sessions Case in

which he is accused was ripe for hearing and, therefore, he attempted to extort money from the informant as well as his nephew. Utterances are to the effect that the applicant will not be bothered if one more case is registered against him. In these circumstances, if the applicant is released on bail, in every probability, he will again indulge in the same activity in future apart from tampering the prosecution evidence. No case for bail is made out. Hence the application is rejected.

(A.M.BADAR, J.)