

vidya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 462 OF 2016
IN
CRIMINAL APPEAL NO. 452 OF 2016

Sanjay Chintu Soman ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Abhaykumar Apte, Advocate appointed for the applicant.
Mrs. U.V. Kejriwal, APP for the State.

CORAM: MRS. V.K. TAHILRAMANI &
MRS. MRIDULA BHATKAR, JJ.
DATE : JULY 25, 2016.

P.C.

Heard both sides.

2. The applicant has been convicted under section 302 r/w. 149 and section 325 r/w. 149 of Indian Penal Code. The applicant, who is original accused no. 6, is now seeking bail.

3. The incident occurred on 26th June, 2010 at about 6.30 p.m. at Abachapada. PW-1 Tukaram and PW-2 Vinod are the eye-witnesses to the

incident. Vinod is an injured witness. Vinod is a brother of deceased Balu. Vinod has stated that his brother Balu was going for his work. Vinod was following Balu. When they reached Abachapada, the applicant Sanjay Chintu Soman and other accused threatened Balu and started assaulting him. They assaulted him with sticks, stones, wire and axe. When Vinod tried to rescue Balu, the accused persons started assaulting him with sticks, stone, wire and axe. Hence, Vinod became unconscious.

4. PW-13 Dr. Pankaj Thakre conducted the postmortem on Balu. He noticed 10 injuries on his person as well as fracture of incisors. PW-13 Dr. Thakre also examined Vinod. He found 4 injuries on the person of Vinod. According to him, injury nos. 3 and 4 were grievous in nature.

5. Looking to the evidence on record, we do not think it is a fit case to grant bail. Application is rejected. However, looking to the fact that the applicant was in custody for more than 6 years, the hearing of the Appeal is expedited.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)