

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 960 OF 2016

Milind Shivchandra Kamble ..Applicant.
Vs
The State of Maharashtra ..Respondent.

Mr Suresh Dubey, Advocate for the applicant.
Mrs N.S. Jain, APP for the State.

CORAM :A.S.GADKARI, J.
DATE : 19th September, 2016.

P.C.

- 1) This is an application under section 439 of the Code of Criminal Procedure, 1973 for bail in C.R. No. 550/2015 dated 4/11/2015 registered with Borivali Police Station, Mumbai under section 307 of the Indian Penal Code.
- 2) The first information report is lodged by Smt. Bhageshwari M. Chetwani, the estranged wife of the applicant. In the first information report, it is stated that the victim had been to the house of the applicant on 4/11/2015 along with her son namely Prathmesh. She was collecting her clothes and when she tried to collect a photograph, the applicant opposed the same. There were altercations between the victim and the applicant. The son of informant tried to pacify the quarrel. The applicant thereafter told the victim that he will kill her and

went in the living room, brought one sickle and assaulted the victim on various parts of her body. The victim somehow managed to go out of the house along with her son, she got down from the stair-case and requested the watchman to call an auto-rickshaw. She, thereafter went to Omkar Hospital, got the medical treatment and subsequently lodged the first information report. During the course of investigation, the police have seized the weapon i.e. the sickle from the scene of offence i.e. from the house of the applicant. After recording statements of the witnesses and after collecting necessary documents from other authorities the police have submitted the charge-sheet.

3) Heard the learned counsel for the applicant and the learned APP. I have also perused the copy of the charge-sheet annexed to the application.

4) The learned counsel for the applicant submitted that the applicant did not have any intention to cause injuries to the victim. He submitted that the applicant is arrested on 4/11/2015 and since then he is in jail. He submitted that after commission of the offence, the applicant did not leave the premises and was very much there which shows that the

applicant was not a culprit or perpetrator of the present crime. He therefore prayed that the applicant may be released on bail.

5) It is to be noted here that the report lodged by the first informant is duly corroborated by the injury certificate issued by Omkar Hospital. It is further to be noted that the watchman of the said building namely Dipak Thapa has also corroborated the version of the informant regarding injuries on her person and calling an auto-rickshaw. He has stated that the victim came down from the stair-case, she was having injuries on her body. He therefore requested the auto-rickshaw driver to take the victim at Omkar Hospital. That one boy was with the victim complainant.

6) After taking into consideration the injuries suffered by the victim, the relations between the parties interse and the other evidence on record, the gravity of the offence and probability of the applicant taking revenge against the informant, in my considered opinion, this is not a fit case to grant bail to the applicant. The application is accordingly dismissed.

(A.S. GADKARI, J.)