

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

CRI. BAIL APPLICATION NO. 993 OF 2016

Shri Dada @ Nagesh Jagannath Suryawanshi ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Vivek Vijay Salunke, Advocate for the Applicant.

Mr. S. S. Pednekar, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 07th JULY, 2016

P.C. :

1 The applicant/accused in Crime No. 610 of 2015 registered with Pimpri Police Station, Dist. Pune for the offence punishable under sections 307, 341, 323, 504 r/w. 34 of the Indian Penal Code and under section 37 (1) r/w. 135 of the Bombay Police Act, by this application is seeking his release on bail, pending trial.

2 Heard learned counsel appearing for the applicant/accused. By taking me through the statement of injured-Vikky, the learned counsel for the applicant/accused argued that no case for offence punishable under section 307 is made out by the prosecution, as assault was not on vital part of the body of injured. Learned counsel further argued that the trial will take its own time and as such pre-trial detention of the applicant / accused is not warranted.

3 Learned APP opposed the application by contending that the applicant is having three serious offences to his credit and the crime in question committed by him is serious. It is revealed from the statement of injured-Vikky that on 12.11.2015 the present applicant as well as co-accused assaulted him by means of Koyta. The nature of injury in the said assault is seen from the medical certificate placed alongwith the chargesheet. It is seen that because of the assault there was incised wound over right forehand of injured-Vikky requiring amputation of medial aspects of his palm and middle finger. The left forehand of the injured was also required to be amputated due to deep cut of muscle with fracture of bone.

4 It is seen that virtually the injured had lost his both hands in the matter of assault by the applicant and the co-accused. That apart, the injured had also suffered incised wound over right side of neck exposing the mandible bone.

5 Considering the nature of the injuries as well as the fact that there are three such offences to the credit of the present applicant, no case for bail is made out and, therefore, the application deserves to be rejected.

6 In the result, the bail application is rejected.

(A. M. BADAR, J.)