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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1388 OF 2016

Dashrath Madhukar Kasabe ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Vijay Killedar for the applicant.

Mr.Deepak Thakery, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 14TH JULY, 2016

P.C. :-

1. The applicant / accused in Crime No.229/2015 for the offences punishable under section 307, 452, 323, 336, 427, 143, 148, 149, 504 and 506 of the Indian Penal Code, under section 4/25 of the Arms Act and under section 135 of the Maharashtra Police Act registered with the Jodbhavi Police Station, District Solapur by this application is seeking is seeking his release on bail.

2. Heard the learned counsel for the applicant / accused. He argued that there are in all fifteen accused

persons and except the present applicant, rest of the them are released on bail. The learned counsel further argued that according to the prosecution case, the applicant has caused injury to Pradnya, Sheila and Karuna. The learned counsel argued that Pradnya and Sheila suffered minor injuries whereas injury certificate of Karuna is not even finding place in the charge-sheet. The learned counsel further argued that in recent past, no offence is registered against the applicant.

3. The learned APP opposed the application and submitted that in all nine offences were registered against the applicant at Jail Road Police Station, whereas two offences, except the present one was registered against the applicant at Jodhbhavi Police Station. The learned APP further argued that even after registration of the crime in question, one more offence bearing No.285/2015 came to be registered against the present applicant as he obstructed the police officers in executing the warrant.

4. Perused the charge-sheet. The F.I.R. came to be lodged by Surekha Balshankar on 16th October, 2015. The incident in question occurred at the house of the informant. It

is averred that on 16th October, 2015, the prosecuting party started celebrating birthday of a child named Bhumi Balshankar. Thereafter at about 11.30 p.m., the present applicant accompanied by his family members and associates barged inside the house of the informant Surekha and questioned the prosecution witnesses as to why the birthday came to be celebrated without seeking permission or approval by the present applicant. According to the prosecution case, the applicant and two co-accused were armed with swords, whereas other co-accused were armed with iron pipes. They murderously assaulted the informant as well as her family members.

5. Perusal of injury certificate of Pradnya shows that she suffered three contused lacerated wounds, whereas Sheila suffered two abrasions and three injuries were in the nature of blunt trauma. Sheila also suffered fracture of humerus.

6. It is seen from the police report that several offences of serious nature are registered against the present applicant. He is a neighbour of the prosecuting party. The entire incident is alleged to have happened only because

permission of the present applicant was not sought for celebrations. Utterances are to the effect that without seeking permission of the applicant, residents of the locality does not dare to take food. Considered the chequered criminal history of the applicant, no case is made out for bail. Hence the application is rejected.

(A.M.BADAR, J.)