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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1724 OF 2015**

Shashikant @ Balaji Maruti Walunjkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shailesh Kharat, for the Applicant

Mr. Y.M. Nakhawa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 28 of 2015, registered with the Alandi Police Station, Pune, for the alleged offences punishable under Sections 307, 450, 427 r/w 34 of the Indian Penal Code.
3. According to the complainant, when he was at his residence, someone pelted a stone at the door of the house. He has stated that all the

accused including the applicant entered the house of the complainant, armed with sickles and iron rods. He has alleged that Avinash Dhanve tried to assault him with a sickle on his head, however, as he moved backwards, the sickle landed on his forehead and nose. According to the complainant, he ran in the kitchen, and was followed by co-accused – Ajay Chavan, who tried to assault him on his chest with a sickle, however, as he tried to stop the assault with his hand, he received an injury on his hand. Thereafter, the applicant is stated to have assaulted the complainant, with a sickle on his thumb, resulting in a thumb injury ; and one unknown person is also alleged to have assaulted the complainant with an iron rod. The complainant was taken by his sister-in-law to the Rural Hospital at Alandi and thereafter to Sasoon Hospital, Pune.

4. Learned Counsel for the applicant submits that the applicant is languishing in jail since February, 2015. He submitted that considering the nature of allegations and the fact that there is no injury certificate on record to show the nature of injuries, the applicant be enlarged on bail.

5. Learned APP opposed the bail application. He submitted that

the applicant has been specifically named and that an overt act has been attributed to him. He submitted that all the accused had gone to the house of the complainant armed with weapons, with an intention to assault him, but as the complainant ran in the kitchen and hid, he was saved. He submitted that although the injury certificate is not on record, the statements of the concerned Doctor and the injured have been recorded in that behalf.

6. Perused the charge-sheet. Considering the weapon used by the applicant and the fact that the applicant has been specifically named in the FIR and an overt act has been attributed to him, this is not a fit case to enlarge the applicant on bail.

7. Accordingly, the Application for bail is rejected and disposed of as such. However, considering the fact, that charge has been framed in the said case, the trial of the applicant is expedited. The Trial Court shall make an endeavour to conclude the trial, as expeditiously as possible.

8. Needless to observe, that the trial court shall decide the case on its own merits, uninfluenced by the observations made in this order.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.