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

BAIL APPLICATION NO.2336 OF 2015

Aashish Manohar Surve .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Akhilesh Singh, Advocate, for the Applicant
Mr.H.J.Dediya, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.07.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks his enlargement on bail in connection with
C.R.No.I-344 of 2014 registered with the
Kapurhawadi Police Station, Thane, for the
alleged offences punishable under Sections 307,
452, 120B, 304 & 316 of the Indian Penal Code.

3. The Complainant is Prasad Harishchandra Bhosale. He has alleged that on 25.09.2014, at about 10.30 p.m. he received a call from his sister, informing him that Umesh Varghat was assaulted with a knife by an unknown person and was bleeding profusely. He has stated that pursuant to the said information, he went to her house, where Umesh Varghat informed him, that the person, who assaulted him was Aashish Surve i.e. the present Applicant. Accordingly, the aforesaid complaint was lodged against the Applicant and others. According to the prosecution, the Applicant was a contract killer, hired by co-accused Jaydeep Choudhary and Vishnu Tiwari.

4. Learned counsel for the Applicant submitted that the Applicant has been falsely implicated in the said case. He submitted that the co-accused Jaydeep & Vishnu have been enlarged on bail. According to the learned

counsel, the Applicant has been in custody since his arrest i.e. 25.09.2014.

5. Learned APP opposed the Bail Application. He submitted that the injured Umesh Varghat had received serious injuries in the said assault. He submitted that there is a recovery of a blood stained knife at the instance of the Applicant and that the CDR records also show that the present Applicant was in touch with the other two co-accused. He further submitted that charge has been framed in the said case and witness summons have been issued.

6. Perused the papers. The statement of Umesh Varghat (injured) shows that on 25.09.2014 at about 10.00 p.m., the present Applicant entered the house and assaulted him with a knife on his abdomen, hands & legs. The said incident has been witnessed by the wife of the injured –

Vibha whose statement is consistent with the statement of the injured. Learned APP has produced the Injury Certificate of the injured which shows the following injuries sustained by him.

"(1) Thigh injury stab at grain extending upto medial thigh 10 x 5 x bone deep actively bleeding

(2) Stab wound on the left thoracic muscle deep

(3) Stab wound on extending region of abdomen peripheral deep

(4) Left thigh CLW 10 x 7 x S.C.deep"

It is further observed that the patient was in a critical condition, as he had lost a lot of blood and if he was brought late, the injuries would have been life threatening. There is recovery of a blood stained knife at the instance of the Applicant. The C.A.Report shows that the blood group on the knife was "A", which is the blood group of the injured. Similarly,

the blood group on the clothes of the Applicant is also stated to be "A".

7. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Even otherwise, charge has been framed, witness summons have been issued and the matter is posted for recording of evidence of the Complainant on 08.08.2016. Since the trial has commenced, the learned Judge is requested to dispose of the case expeditiously.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)