

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2510 OF 2015**

Amol Sambhaji Mohite
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Prashant R. Suryawanshi I/b Mr. Gajanan Mahadev Savagave for the Applicant

Mr. Arfan Sait, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 29th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 8 of 2015 registered with the Murgud Police Station, Kolhapur, for the alleged offences punishable under Sections 143, 147, 148, 149, 307, 323, 324, 506 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. Learned Counsel for the applicant submits that the allegations against the applicant is that he along with other 8 co-accused assaulted the injured with sword, knife, sticks and fist and kick blows. He submits that a perusal of the injury certificates of Ranjeet Chavan and Pravin Chavan show that the nature of injuries sustained by them are simple in nature. He submits that all the 8 co-accused have been enlarged on bail and that the applicant also be enlarged on bail.

4. Learned A.P.P opposed the bail application. He submitted that the statement of injured Ranjeet Chavan clearly shows the manner in which the applicant had come to the spot armed with the sword, the threats given by the applicant and the assault on Ranjeet Chavan with a sword and knife. He submitted that according to the injured Ranjeet Chavan, when his brother pulled the sword, the present applicant pulled a knife from co-accused Netaji Mohite's hand and assaulted him twice, in his stomach, resulting in bleeding injuries. He further submitted that the applicant has 15 cases which have been registered against him including the present case.

5. Perused the papers, in particular, the statement of Ranjeet Chavan and Pravin Chavan. A perusal of the statement of the injured- Ranjeet Chavan shows the manner in which the applicant, who was armed with a sword, assaulted Ranjeet Chavan and when Ranjeet's brother, Rajit Chavan pulled the sword from the applicant's hand, the applicant pulled out a knife from co-accused Netaji Mohite's hand and assaulted him in his stomach with the knife. The injury certificate of Ranjeet Chavan shows that he had sustained 2 incised wounds on left iliac fossa and epigastric region. As far as Pravin Chavan is concerned, he has received a CLW on the right parietal region and right elbow joint and an incised injury on his right thigh. The applicant has as many as 15 cases registered against him, including the present case. Although in 8 cases, the applicant has been acquitted, the fact remains that there is an offence registered against him with the Jaisinghpur Police Station, being C.R. No. 97 of 2013 alleging offences punishable under Section 302, etc. and under the Arms Act, which is pending. It also appears that another case of 302 has been registered against the applicant with the Murgud Police Station, being C.R. No. 81 of 2011 alleging offences punishable under Section 302 and 201, which is also

pending. It appears that whilst on bail, the applicant has committed the aforesaid offence. Considering the role attributed to the applicant and the antecedents, it is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

7. It is made clear that the learned Judge shall consider the case on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.