

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

BAIL APPLICATION NO.2527 OF 2015

John Josef Adsul.

....Applicant.

VS.

The State of Maharashtra.

....Respondent.

Mr.S.B.Chandan for the Applicant.

Smt.S.D.Shinde, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 19th January, 2015

PC:

The applicant is seeking bail in CR No.I-23-2015 dated 11.1.2015 registered with Central Police Station, Ulhasnagar, District-Thane.

The prosecution case in nut shell is that there was previous enmity between the complainant Gautam Chandrakant Sharandour and the applicant. On 10.1.2015, the applicant had assaulted the friend of the complainant namely Sumit Singh therefore, first information report bearing No. 19/2015 under Section 324 of the I.P.C. was registered against the applicant. With a view to settle the said dispute, the complainant called the

applicant and their common friend Mr. Aakash. On 10.1.2015. at about 10.30 p.m. the complainant and his friend Harshal Bendre went to the place where the applicant was called. During the course of discussion the applicant informed the complainant that he does not want to finish or settle the matter and started assaulting him. The persons who were accompanying the applicant were also assaulted by the applicant. At that time co-accused namely Deepak Sansare assaulted the applicant with an iron weapon on his head, back and waist. The friend of the complainant namely Sajan came there to pacify the said fight. At that time, the applicant inflicted a blow with an iron weapon on the waist of the said Sajan. The complainant has further stated that the applicant and other accused persons have assaulted him and his friend namely Harshal with iron weapon on the head, back and waist. In the premise, the first information report is lodged. After completion of the investigation the police have filed the charge-sheet.

3) Heard the learned counsel for the applicant and the learned APP. for the State and I have also perused the copy of the charge sheet annexed to the application.

4) The learned counsel for the applicant submitted that the injuries which are received by the said Sajan are simple except one injury which is grievous in nature. He also submitted that with a view to improve the case the supplementary statement of Sajan has been recorded. The police have also issued a letter to the Medical Officer mentioning that the alleged knife which was used by the applicant to assault the said Mr. Sajan had in fact penetrated in the body and remained there for some time till it was removed by the Doctors by performing surgery. He submitted that the Medical Certificate issued by the Doctor is contrary to the communication made by the Police Officer to the Medical Officer.

The learned APP on the other hand submitted that the applicant is habitual offender and is involved in four other crimes apart from the present crime. She

submitted that the complainant and the injured witness namely Harshal and Sajan in unequivocal terms have attributed the specific role to the applicant that the applicant had assaulted the said Sajan and Harshal with knife. The Medical Certificate issued by the KEM Hospital, Mumbai undoubtedly supports the version of Mr. Sajan. During the course of investigation, a knife has been recovered at the instance of the applicant.

5) It is a matter of record that the applicant is an accused in four other crimes and when he was on bail in other crime, he has committed the present crime. After taking into consideration the evidence on record, evidence on record, the gravity of the offence and the antecedents at the discredit of the applicant, I am not inclined to release the the applicant on bail.

Application is accordingly dismissed.

(A.S.GADKARI, J.)