

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.16 OF 2017

Dhananjay Subhash Gaikwad,
Aged 21 years, Occu. Labour,
R/o Dhumalwadi, Tal. Akole,
Dist. Ahmednagar

..APPLICANT

VERSUS

State of Maharashtra,
through Police Station Officer,
Sangamner City Police Station,
Sangamner, Dist. Ahmednagar

..RESPONDENT

Mr V.Y. Bhide, Advocate for applicant;
Mr S.W. Munde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 27th January, 2017

ORAL ORDER

By this application under Section 439 of the Code of Criminal Procedure, the applicant, who has been arrested on 22nd November, 2016, seeks his release on bail, in connection with C.R. No.I-227 of 2016, registered with Sangamner City Police Station, Sangamner, Dist. Ahmednagar, for offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.

2. The prosecution story as could be revealed from the first information report and other available material is, the present applicant assaulted Rahul, friend of the complainant Chaitanya with knife. As a consequence, Rahul suffered grievous injury and was hospitalized.

(2)

3. Learned Counsel appearing on behalf of the applicant would urge that there are no criminal antecedents and the investigation in the matter is already complete as the charge-sheet is filed. He would then submit that the applicant is a student. He would also try to assert that whether the incident in question has happened at the behest of the applicant and whether the complainant was present during the incident in question is itself in doubt and for this purpose, places reliance on the contents of the first information report. He, therefore, submits that the applicant be enlarged on bail.

4. Learned Addl. Public Prosecutor opposed the application by relying upon the injury certificate and statements of eye-witnesses.

5. What could be gathered from the record is, the applicant came to be arrested after a period of three months from the date of the alleged incident and is specifically named in the first information with lead role of stabbing victim Rahul with knife.

6. There is a recovery from the applicant. The eye-witnesses, i.e. employees and Dhaba owner, so did the complainant in voluminous terms supports about *prima facie* involvement of the applicant in the crime in question.

(3)

7. There is a strong prima facie case against the applicant *qua* his role in the crime in question.

8. In view thereof, the application stands rejected.

(N.W. SAMBRE, J.)

amj