

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

CRIMINAL APPLICATION NO. 2406 OF 2017

Rohan Bharat Kuril (Kutil) ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. D.K.Dagadkhair, advocate for the applicant

Mr. S.B.Joshi, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 8th JUNE, 2017

O R D E R :

Heard learned counsel for the applicant and the learned A.P.P. for the respondent.

2. Informant/injured Milind Sable lodged complaint/information to the CIDCO police station, District Aurangabad stating that on 17.1.2017 at about 9.30 p.m. while he was in his chicken biryani shop, present applicant one Sandip Dandge came there and demanded biryani. Informant told that biryani was over. Thereon present applicant removed cash from the cash counter. When the informant obstructed for doing so, present applicant assaulted him by chopper on his back and

abdomen. At the time of incident present applicant and his companion were under influence of liquor and they assaulted the informant with intention to commit murder.

3. I have heard learned counsel for the applicant and the learned A.P.P. for the respondent/State.

4. Learned A.P.P. by referring to the statements of various witnesses and the medical evidence states that there are three eye witnesses. One is Rohan Kuril, who was working with the informant who exactly stated the case of informant in reference to the assault or the act committed by the present applicant. Besides this witness, there are two other witnesses, namely Bhaskar Jadhav and Santosh Khire, who carried the injured to the hospital. So there is direct evidence against the present applicant. From the injury certificate it reveals that the Injured was admitted in Mahatma Gandhi Mission's Hospital, Aurangabad immediately after the incident i.e. on 17.1.2017 at 9.42 p.m. On examination, the

concerned Medical Officer has notice following injuries.

- 1) Stab, lower cut 2x1x2 cm sharp
12 hrs. - grievous
- 2) Stab, (L) front region 4x1x2 cm sharp
12 hrs. - grievous
- 3) Stab, back of (L) shoulder 6x1x1 cm sharp
12 hrs. - grievous
- 4) Cut wound, (R) forearm 2 in Nos. 3x1x1 cm
and 5x1x1 cm sharp 12 hrs. - simple
- 5) Stab, (L) upper abd. 8x1x2 cm sharp
12 hrs. grievous

5. Looking to the nature of injuries referred above, it appears that injury nos. 1, 2, 3 and 5 are grievous in nature and injury no.4 i.e. cut wound over right forearm appears to be simple in nature.

6. So looking to the statement of the injured, eye witnesses and the medical evidence on record, it reveals that there is ample evidence against the applicant to establish the charge punishable under Section 307 r/w Section 34 of the Indian Penal Code and under Section 4/25 of the Arms Act. Hence, applicant is not entitled for bail.

7. Criminal Application is rejected.

(K.L.WADANE, J.)

dbm/crap2406.17