

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

BAIL APPLICATION NO.116 OF 2017

Akshay Lahu Gaikwad

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Pawan Nali for the Applicant

Ms.S.S. Kaushik, APP, for Respondent – State

Mr.D.N. Salunkhe, PSI, Kadki police station, Pune – present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 20, 2017

P.C. :

1. This application is moved by the applicant/accused for bail under section 439 of Criminal Procedure Code as the applicant/accused is facing charges punishable under sections 307 and 326 r/w section 34 of the Indian Penal Code registered at C.R. No.52 of 2015 of with Khadki Police Station, Pune.

2. It is the case of the prosecution that the complainant Prasad Rajendra Maratkar, the applicant/accused Akshay Gaikwad and the co-accused were studying in one college at Khadki. On 18.2.2015, an incident took place between them in the college

premises having quarrelled on a trivial ground when the co-accused handed over knife to the applicant/accused and the applicant/accused assaulted the complainant on his head. When Rishikesh, the brother of the complainant, tried to intervene, the applicant/accused stabbed him in his stomach and thus, both Prasad and Rishikesh were injured by the applicant-accused. The applicant/accused was arrested on 20.3.2015. Hence, this Bail Application.

3. The learned Counsel for the applicant/accused has submitted that the applicant-accused is innocent and whatever alleged incident has taken place, is after quarrel between the complainant and the applicant/accused. The applicant/accused was not armed with weapon at that time. It is not a pre-meditated crime. The learned Counsel has further submitted that the applicant/accused was 21 years old at the time of the incident. He is in the prison since last two years and hence, he be released on bail.

4. Learned Prosecutor while opposing the application, submitted that there are eye witnesses to the incident. It is a case of under section 307 of the Indian Penal Code and the injuries

were inflicted on the head of the complainant and the stomach of the witness Rishikesh. He further submitted that two cases are pending against the applicant viz., C.R No.24 of 2015 under section 379 of the Indian Penal Code registered with Khadki police station and C.R. No.43 of 2015 under sections 363 and 34 of the Indian Penal Code registered with Khadki police station.

5. Perused the FIR, the injury certificates and the documents placed before the Court. The applicant/accused is having antecedents. It also appears that he has committed the three offences in the same year. In this view of the matter, the Bail Application is rejected. However, the learned trial judge may try to expedite the trial and conclude it preferably within 9 months from today.

6. Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)