

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

CRIMINAL BAIL APPLICATION NO.297 OF 2017

Sainath Balu Vitekar	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

Mr.Viresh V. Purwant for the applicant.
Ms.A.A. Takalkar, Additional Public Prosecutor for the respondent.
Mr.Pramod Pawar, API Nhava Sheva Police Station.

CORAM : T.V. NALAWADE, J.
DATE : 8th August 2017

P.C. :

. The application is filed for bail in C.R.No.I-83 of 2015 registered with Nhavasheva Police Station for the offences punishable under Sections 307, 506(2),109 read with 34 of the Indian Penal Code. Paper of investigation were made available for perusal of this Court. Both the sides are heard.

2. A crime was registered on the basis of the report given by one Smt.Santosibai Ramprasad Thakur on 16th September 2015. The incident in question took place on 15th September 2015 in the house of the first informant. On that day, when this lady and her husband were at home, the present applicant and his friends entered their house. The present applicant is a friend of Sonu, Brother-in-law of first informant. They took with them the husband of the first informant and they returned with him after consuming liquor.

3. The first informant became angry as due to the present applicant and her husband had consumed liquor. After entering the house, the present applicant asked the first informant to serve them dinner. She said that she was very much tired and she was not in a position to prepare food for them. She also said that she was not happy as the applicant had met her husband for consuming liquor. Upon that the applicant became angry. She said that he took knife in the house and gave one blow on her neck and other blow on her abdomen. She raised shout. Due to her shouting, her husband rushed towards the house and then the present applicant ran away. Santosibai was shifted to hospital and the report was recorded. The papers of investigating contain the statement of her husband and some other persons. There is other material like recovery of clothes of the present applicant which were having blood stains. There is material like spot panchnama and also injury certificate. That record consistent with the record given by the first informant. It can be said that the first informant was fortunate as she survived. Due to injury on her neck and abdomen, there was an internal bleeding also.

4. The material of the present matter shows that the present applicant acted in a cruel manner. He assaulted this lady with dangerous weapon on her neck and abdomen on petty count. The injured had no duty towards the present applicant. Due to this circumstance, this Court holds that there will be danger of life to the first informant if the bail is given to the present applicant. In the result, the application stands rejected. Trial Court is however given a direction to dispose of the matter within three months from the date of receipt of this order. If the case is

not disposed of within three months, there will be liberty to the applicant to come to this Court for relief of bail.

T.V. NALAWADE, J.