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

CRIMINAL BAIL APPLICATION NO.320 OF 2017

Kiran Dagdu More @Parit

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.U.R.Agandsurve, for the Applicant.

Ms.Rutuja Ambekar, A.P.P. for the Respondent-State

API – A.B.Shaikh, Vijapur Naka Police Station, District-Solapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.129 of 2016 registered with the Vijapur Naka Police Station, District-Solapur, for the alleged offences punishable under Sections 307, 504 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. The complainant is one Sidram Ramchandra Asereddy, who is the neighbour of the applicant and also an eye-witness to the incident of assault by the applicant on his wife – Vaishali. He has stated that the incident took place on 2nd March, 2016 at about 7.15 p.m. He has stated that the applicant started abusing Vaishali when she came home on her two-wheeler and questioned her as to why she was deceiving him. He has stated that the applicant gave a blow of sattur on Vaishali's head, as a result of which, she fell on the ground. He has further stated that when the applicant was about to give another blow, he stopped him, from giving the said blow. The statement of Vaishali, wife of the applicant shows, that there were petty quarrels between her and the applicant. She has further alleged that the applicant would suspect her character and would assault her. She has stated that on the day of the incident, the applicant assaulted her with a sattur on her head, pursuant to which, she sustained grievous injuries. The medical certificate, which is on page 47 of the application shows, that Vaishali had suffered fracture of the skull i.e. CLW over Lt. frontoparietal region and the said injury is stated to be a grievous injury. The applicant's children are eye-witnesses to the said incident.

4. Considering the material on record, this is not a fit case for enlarging the applicant on bail. Even otherwise, in the facts, the possibility of tampering/threatening the witnesses, cannot be ruled out.

5. Accordingly, the Application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited.

6. It is made clear that the observations made herein are prima facie for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)