

nsc.

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

CRIMINAL BAIL APPLICATION NO.517 OF 2017

Mukesh Ram Malusare	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.J.S.Oak, for the Applicant.

Mr.S.H.Yadav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 9th 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 2015 registered with the Dattawadi Police Station, Pune, for the alleged offences punishable under Sections 307, 326, 452, 342, 323, 506(2) of the Indian Penal Code and under Section 37(1) r/w Section 135 of the Bombay Police Act.

3. Learned Counsel for the applicant submits that the applicant is the husband of the complainant. He submitted that the applicant has been falsely implicated in the aforesaid case. He further submits that the applicant was arrested pursuant to the aforesaid C.R. lodged by the complainant (his wife) and has been in custody for about 2 years.

4. Learned APP opposed the application.

5. Perused the papers. The complainant – Asmita is the wife of the applicant. She has alleged that on 13th May, 2015 at about 7.30 a.m., the applicant came to her matrimonial house where she was residing with her mother. She has stated that when she opened the door, the applicant hit her head on the iron door, pressed her neck and assaulted her with fist and kick blows and as such tried to kill her. She has further alleged that when her mother tried to intervene to save her, the applicant also assaulted her mother with fist and kick blows as a result of which her mother sustained 2 grievous injuries. It appears that the applicant had carried an iron trishul with him. The injury certificate shows that the complainant's mother has sustained 2 grievous injuries, as a result of the assault meted out by the

applicant. The possibility of tampering with the witnesses cannot be ruled out.

6. Considering the material on record, this is not a fit case to enlarge the applicant on bail.

7. Hence, the Application for bail is rejected and disposed of as such. However, the trial is expedited

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

(REVATI MOHITE DERE, J.)