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

**BAIL APPLICATION NO. 716 OF 2017**

|                          |               |
|--------------------------|---------------|
| Suresh Ramdas Shinde     | .. Applicant  |
| Vs.                      |               |
| The State of Maharashtra | .. Respondent |

Mr. Vikas Kolekar for the Applicant.  
Mr. M. G. Patil APP for the State/Respondent.

**CORAM : A.S. GADKARI, J.**  
**DATE : 2<sup>nd</sup> MAY, 2017.**

**P. C. :**

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in C. R. No. I-213 of 2016 dated 04.12.2016 registered with Thane Nagar Police Station, Thane under Sections 307, 323 of the Indian Penal Code.
2. It is the prosecution case that due to earlier enmity the applicant on 04.12.2016 in the evening at about 7.15 p.m. assaulted first informant Rahul Onkar Damodar with the aid of knife on the left side of his neck. That, after assaulting the first informant the applicant ran away from the scene of offence. During the course of investigation, the applicant came to be arrested on 13.12.2016. After completion of investigation, the police have submitted charge-sheet on 22.02.2017.
3. I have perused the charge-sheet annexed to the application. The record reveals that the applicant assaulted the first informant on his

neck i.e. on vital part of the body. The Medico Legal Certificate issued by the Civil Hospital, Thane mentions that the first informant suffered incised sharp wound, over neck left side, admeasuring 3 cm x 0.5 cm x 0.3 cm and the nature of injury is mentioned as grievous. That the applicant was absconding from 04.12.2016 to 13.12.2016 i.e. his date of arrest. The record further reveals that after commission of crime the applicant threw the knife used in the present crime in a dustbin. The applicant has shown the said spot under a Memorandum Panchanama dated 21.12.2016. The said knife could not be recovered at the instance of the applicant as he was successful in causing disappearance of the evidence against him. There are three other eye witnesses who corroborates the statement of the first informant, inter alia, on the point that the applicant assaulted the first informant with the knife on his neck. After perusing the record it clearly appears that the applicant is the perpetrator of the crime. There is a strong prima facie case against the applicant.

4. In view thereof, this Court is of the view that the applicant does not deserve to be released on bail.

The application is, accordingly, rejected.

**[A. S. GADKARI, J.]**