

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.454 OF 2017

IN

CRIMINAL APPEAL NO.259 OF 2017

Rohit Ramchandra Bhoite ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.Ashok Mundargi, Senior Counsel i/b. Siddharth Karpe & Arun Khot, Advocate for the Applicant.

Mr.Y.M.Nakhwa, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 11th DECEMBER 2017.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him, which has already admitted for final hearing.

2 Heard the learned Senior Counsel appearing for the applicant/accused. He pointed out that the substantive sentence of imprisonment is for ten years out of which the applicant/accused has already undergone three years sentence. It is further argued that the appeal may not be heard in near future and, therefore, the applicant, who is also a young boy needs to be

released on bail during pendency of the appeal. The learned Senior Counsel further argued that considering the nature of injuries and the situation in which the incident took place, *prima facie*, there was no intention to commit murder of the injured.

3 The learned Additional Public Prosecutor opposed the application.

4 I have carefully considered the rival submissions and also perused the copies of depositions placed on record.

5 P.W.No.3 Richa Shinde is the injured. Evidence of P.W.No.11 Dr.Nitin Chavan Medical Officer shows that injuries were suffered by P.W.No.3 Richa in the incident in question. His evidence reflects that following eight injuries suffered by P.W.No.3 Richa Sindhe :

- 1) Puncture wound on left thumb base-volar aspect, size 0.5 cm. caused by sharp and pointed object, age less than 6 hours and simple in nature.
- 2) Multiple Lacerations with serrated edges on 2cm. above left elbow joint dorsal aspect, size 6x2x1 cm. caused by sharp & pointed object, age less than 6 hours and simple in nature.

- 3) Penetrating wound on transversely to the right of umbilicus, size 6 x 2 cm. x peritoneum deep, caused by sharp & pointed object, age less than 6 hours and grievous in nature.
- 4) Penetrating wound on transversely to the left of umbilicus, size 4 x 2 cm. x peritoneum deep, caused by sharp & pointed object, age less than 6 hours and grievous in nature.
- 5) Penetrating wound on left loin directed upwards towards 12th Rib, size 5 x 3 cm. x bone deep, caused by sharp & pointed object, age less than 6 hours and grievous in nature.
- 6) Perforations 4 Nos. on Jejunum, caused by sharp & pointed object, age less than 6 hours and grievous in nature.
- 7) Perforations 3 Nos. on Transverse colon, caused by sharp & Object, age less than 6 hours and grievous in nature.
- 8) Laceration on left kidney anterior surface, caused by sharp & pointed object, age less than 6 hours and grievous in nature.

The Medical Officer has deposed that injuries were sufficient in the ordinary course of nature to cause death if not treated promptly.

6 Perusal of evidence of P.W.No.3 Richa shows that the applicant was making advances towards her right from the time when she was taking education in 10th Std. The incident took place when the injured was taking education in the first year in Engineering College. Therefore, this Court is not assured that, if released on bail, the applicant may not repeat commission of similar offence against the injured in the light of the fact that he was behind her since long. Evidence of the injured shows that the successive blows of knife were given to her by the applicant. At the same time, it is seen that the present applicant is also a young person and he has already undergone three years jail terms. In this view of the matter, the following Order :

- (i) The application for releasing the applicant on bail by suspending his sentence is rejected.
- (ii) Hearing of the appeal is expedited.
- (iii) The applicant/accused is permitted to place on record private paper book and to mention the matter for hearing as and when private paper book is filed.

(A.M.BADAR J.)