

nsc.

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

CRIMINAL BAIL APPLICATION NO.916 OF 2017

Ashish Kumar Ramashray Yadav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Ajinkya Badar i/b Ms.Anjali Patil, for the Applicant.

Mr.M.G.Patil, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th SEPTEMBER, 2017

P.C. :

1. Heard learned counsel for the parties.
2. This is the second bail application preferred by the applicant. The first bail application was dismissed as withdrawn (after arguing for sometime). By this second application, the Applicant seeks his enlargement on bail in connection with C.R.No.264 of 2015 registered with the Amboli Police Station, for the alleged offences punishable under Sections 307 and 452 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant is in custody since September, 2015. He submitted that considering the nature of injuries, the offence would not be one under Section 307 of the Indian Penal Code but would constitute a lesser offence.

4. Learned APP opposed the application. He submitted that the possibility of the applicant tampering with the witnesses, cannot be ruled out, considering the nature of allegations.

5. Perused the papers. The complainant-Seema Yadav, is the mother of Nirupama, who was studying in Kirandevi Saraf College. According to the complainant, on 7th September, 2015 at about 4.30 p.m., she had gone to the market alongwith her son – Rajesh and that her daughter – Nirupama was alone at home. She has stated that when she returned, she noticed that people had gathered in front of her house and learnt that the applicant had assaulted her daughter – Nirupama with a knife. Nirupama was immediately taken to the Jogeshwari Hospital. On enquiry, Nirupama disclosed that the applicant had assaulted her with a knife on her neck, chest and stomach and had also stabbed himself, and had

thereafter, fled from the spot. It appears that for about 6 months prior to the incident, the applicant would sit in front of Nirupama's house and stalk her. It is stated by the complainant, that the cousin brother of the applicant had explained and settled the matter with the applicant, pursuant to which, the applicant was sent to his native place by his relatives. She has further stated that again a few days prior to the incident, the applicant was seen sitting in front of her house and that when she asked him to go away, he quarreled with her and told her that he would take revenge. It appears that it was a one sided lover affair and as Nirupama was not interested in the applicant, the applicant assaulted her with a knife, and thereafter, himself. The medical certificate of Nirupama shows that she had sustained stab injuries on her chest, abdomen and neck.

6. Considering the nature of allegations and manner in which the incident took place, the possibility of the applicant intimidatating and tampering with the witnesses and committing the same offence again, cannot be ruled out. Considering the aforesaid, 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 of the applicant is expedited.

8. 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.)