

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1062 OF 2017

Dnyaneshwar @ Barkya Maruti Gavli ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.Satyavrat Joshi, for the Applicant.

Ms. S. S. Kaushik, APP, for the Respondent.

Mr. S. B. Nale, API, Khadki Police Station Pune, present.

CORAM :- **T. V. NALAWADE, J.**

DATE :- **AUGUST 22, 2017.**

P. C.:

The application is filed in C. R. No.371 of 2016 registered with Bhosari Police Station, Pune for the offences punishable under Sections 307, 324, 323, 506 r/w 34 of Indian Penal Code and Section 4 (25) of Arms Act. Both sides are heard. Papers of investigation were made available for perusal of this Court.

2 The learned APP produced on record a copy of the order passed in Bail Application No.166 of 2017 (Sopan Alias

Pappu Maruti Gavali v/s The State of Maharashtra) which has been filed by Sopan alias Pappu Maruti Gavali. The order dated 29th March, 2017 shows that the bail is refused to one Sopan alias Pappu Maruti Gavali and this Court has directed the Trial Court to expeditiously dispose of the matter.

3 The submissions made and the record show that the incident in question took place on 13th October, 2016. On that day, Vishal Narwade was in the company of his friends including Tirhi @ Shahid Shaikh. First quarrel took place at about 23.00 hrs. when Sopan @Pappu Gavali went to these persons and questioned Tirhi @ Shahid Shah with regard to previous incident. Vishal intervened in the incident and then Tirhi @ Shahid Shaikh left the place by giving threat to Vishal. Then at about 23.00 hrs when Vishal and his friends were returning home, the present Applicant who is also known as Barkya Gavali and aforesaid Pappu Gavali assaulted them. The allegations are made against the present Applicant that he was holding sword and with intent to finish Vishal, he gave blows on the person of Vishal. The said Pappu gave Vishal fist and kick blows on his stomach and he picked up the cover of chamber gutter and threw it on his head and fled.

When Dilip intervened, Barkya Gavali, the present Applicant assaulted him also by using sword. The persons living in the neighborhood did not dare to come out due to the terror created by Barkya Gavali. Vishal had become unconscious and had sustained grievous injuries. The statement of Vishal came to be recorded on 20th October, 2016.

4 Papers of investigation show that as many as four injuries were found on the person of Vishal. They were mainly on head portion. The injuries were caused by sharp and hard object and injuries are described as lacerated wound. The injury certificate in respect of Dilip Pachange shows that he sustained two injuries which were caused by sharp object. The learned APP submitted that the said weapon is also recovered at the instance of the present Applicant.

5 The aforesaid material and particularly the number of blows given by the present Applicant and the site of the body on which the injuries were caused, at this stage it can be said that there is sufficient material to make out prima facie case for the offences punishable under Section 307 against the present

Applicant.

6 Considering the number of blows given by the Applicant, there is possibility of tampering prosecution witness if bail is granted to him. This Court has refused bail to Sopan @ Pappu Maruti Gavali. In view of this, this Court holds that bail cannot be granted to the present Applicant.

7 If the trial of case is not expedited and not completed in six months from the date of receipt of the order, there is liberty to the present Applicant to come to this Court for bail.

8 With these observations, the Application is rejected. The observations are for the purpose of present proceedings only.

(T.V.NALAWADE, J.)