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

CRIMINAL BAIL APPLICATION NO.1149 OF 2017

Pramod Uttam Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL APPLICATION NO.787 OF 2017
IN
CRIMINAL BAIL APPLICATION NO.1149 OF 2017***

Somnath Birudev Roopanvar	...Intervener
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IN THE MATTER BETWEEN

Pramod Uttam Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mrs.M.A. Devkar, for the Applicant.

Ms.Shraddha Sawant, for the Intervener/Original Complainant.

Ms.Ashwini Takalkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th OCTOBER, 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 The first bail application of the applicant being Criminal Bail Application No.2467 of 2016 was withdrawn after arguing for some time and as such was dismissed as withdrawn.

3. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.180 of 2016 registered with the Akulj Police Station, Solapur, for the alleged offences punishable under Sections 307, 504, 506 r/w 34 and 109 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act.

4. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the said case. She submits that the applicant is in custody since May, 2016 and that till date, the trial has not commenced. She relied on the Judgment of the Apex Court in the case of ***Bhausahab Nagu Dhavare v/s State of Maharashtra, Decided on 16th March, 2001.***

5. Learned APP opposed the application. She submitted that the

complainant is an eye-witness to the incident of assault, on Ganesh Bhosale. She submitted that the applicant assaulted Ganesh on vital part of the body and that Ganesh has sustained 5 grievous injuries. She submitted that whilst in jail, the applicant on two occasions i.e. on 17th March, 2017 and on 12th September, 2017, attempted to abscond from jail, and hence the learned Judge directed that the applicant be produced through video conferencing. She submitted that hence, the possibility of the applicant absconding cannot be ruled out. She further submitted that the applicant has 6 antecedents and that whilst on bail the aforesaid offences have been committed by him. She submitted that the applicant has been intimidating/threatening the complainant-Somnath Birudev Roopanvar and accordingly an affidavit to that effect, has been filed by the complainant in the trial Court.

6. Perused the papers, in particular the statement of the complainant-Somnath Birudev Roopanvar, the statement of the injured-Ganesh Bhosale and the injury certificate. A perusal of the complaint lodged by Somnath shows that he had learnt from Ganesh Bhosale (injured) that the applicant had threatened to kill him as Ganesh was trying to get bail

for Pravin Bhosale. He has further stated that on 1st May, 2016 at about 8.30 p.m., when he and injured (Ganesh) were together at around 9.45 a.m., the present applicant alongwith 3 others came in an Indica Car; that the applicant was armed with a sword; that the applicant chased Ganesh and abused him and assaulted him with a sword and thereafter fled from the spot. He has further alleged that the applicant alongwith 3 other co-accused also gave fist and kick blows to the injured. The statement of the injured (Ganesh) is consistent with the statement of complainant. The injury certificate of Ganesh shows that he has sustained 5 grievous injuries, one on the occipital region i.e. fracture of skull; one grievous injury on the right forearm; injury on the right base of thumb c sub total amputation; injury on the right palm with tender cut, injury on the left finger with tender cut. It appears that there are 6 antecedents, as against the applicant and that out of the 6 cases, he has been acquitted in some of the cases. It is also a matter of record that whilst on bail, the applicant has committed the aforeasid offences. It also appears that the applicant has attempted to abscond from jail, on two occasions i.e. on 17th March, 2017 and on 12th September, 2017 and that the applicant is threatening the complainant-Somnath, who has filed an affidavit to that effect in the trial Court.

7. Considering the aforesaid and in the peculiar facts of this case, this is not a fit case to enlarge the applicant on bail.

8. Hence, the application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited.

9. In view of the aforesaid, the Intervention Application being Criminal Application No.787 of 2017 does not survive and the same is also disposed of.

10. 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.)