

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1347 OF 2017

MAYUR SATISH SATPUTE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Sagaram Surayanshi a/w. Mr.Arun Nagarjun, Mr.R.S.Mane i/b.
Mr.Rajesh Bane, Advocate for the Applicant.

Ms.J.S.Lohokare, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th DECEMBER 2017

P.C. :

1 The applicant/accused in Crime No.416 of 2016, registered with Police Station Dharavi, for offences punishable under Sections 307, 506 of the Indian Penal Code (IPC) as well as under Sections 37 read with 135 of the Maharashtra Police Act, by this application is seeking bail during pendency of the trial.

2 Heard the learned advocate appearing for the applicant/accused. He argued that there is contradiction in the version of the First Informant as well as report of medical examination of the injured. The Injury Certificate states that the injury is on the neck. It is further argued that the injury is simple in nature and even no grievous hurt is caused to the alleged victim of the crime in question. Therefore, pretrial detention of the applicant/accused is not warranted.

3 The learned APP opposed the application by stating that the applicant/accused as well as the injured are the residents of the same building. She further argued that nature of injury is irrelevant for the purpose of making out the offence punishable under Section 307 of the IPC. The learned APP drew my attention to the length of the wound and submitted that the applicant/accused is not entitled for bail.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet as well as the case diary.

Informant Milind is the injured witness. He reported to police while being admitted at Sion Hospital on 16th August 2016 that prior to six months, there was quarrel between his elder brother Anand and father of the present applicant/accused. The injured further reported that on 7th May 2016, the present applicant/accused had quarreled with him, but somehow he was pacified. Injured Milind further reported that on 15th August 2016 after 9.15 p.m. he was returning to his house. In front of the rationing shop, somebody held him from behind and gave a blow of knife on his throat. Then there was another blow and when the assailant came in front of him, he identified the assailant as Mayur Satpute. The First Informant further averred that, then, Mayur i.e. the present applicant/accused, declared that the First Informant will be killed and attempted to give a blow of knife on his stomach. The First Informant further reported that he caught hold of the knife by his right hand causing injury to his right palm. The First Informant, then, saved himself by pushing the applicant/accused, and then, with his friend he went to the hospital.

5 Injury certificate issued by the Lokmanya Tilak Municipal General Hospital, Sion, shows that the First Informant has suffered CLW of size 7x1x1 cm on anterior neck by a sharp weapon. Clinically it was declared to be a simple wound. The case diary contains discharge summary of the First Informant. It shows that the First Informant had suffered CLW of size 5x1x0.5 cm on his palm.

6 For making the offence punishable under Section 307 of the IPC, causing of a wound is not at all necessary. What is necessary is an intention coupled with an overt act. The intention can be gathered by the nature of the weapon used and the part of the body chosen for inflicting the wound as well as other relevant factors. In the case in hand, the nature of weapon was knife and the part of the body chosen for inflicting the wound was neck. The injury is 7cm in length. This, prima facie, depicts intention. The affidavit filed by the present applicant/accused shows that the present applicant/accused as well as victim of the crime in question are residents of the same building.

7 Considering the fact that both the parties are residents of the same building and the fact that they were on inimical terms with each other, as well as the fact that intention is prima facie reflected in causing the wound, no case for grant of bail is made out. Hence, the order :

ORDER

The application is rejected.

(A. M. BADAR, J.)