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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1376 OF 2017

Dyandeo Sopan Sargar

..Applicant.

Vs.

The State of Maharashtra

..Respondent

WITH
CRIMINAL APPLICATION NO.566 OF 2017

Suresh Bhanudas Sargar

...Applicant.

Ms. Pranali Kakade for Applicant.

Mr. S.T. Waghmode for Intervener.

Ms. Rutuja Ambekar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 22nd September 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 41 of 2017 dated 25.2.2017 registered with Malshiras Police Station, District- Solapur under Section 307, 323, 324, 504, 506 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant, the learned Counsel for Intervener and the learned APP. Perused the chargesheet.

3] It is the prosecution case that, due to earlier enmity arising out of landed property and agricultural trees, the applicant along with co-accused Vishnu M. Sargar and his family members assaulted the complainant with an axe. During the course of investigation, police have arrested applicant on 1.3.2017. After completion of investigation, police have submitted chargesheet.

4] Learned Counsel for the applicant submitted that there is cross case lodged by the applicant being CR No.40 of 2017 registered with Malshiras Police Station on 25.2.2017 and it is Vishnu Sargar who initially started assaulting the applicant and his family members and in the said fight eye-witness Vishnu suffered injury. She submitted that other accused persons have been released on bail by this Court, however, applicant is still languishing in jail. She submitted that injured witness is now huk and hearty and is moving and therefore prayed that the applicant may be released on bail.

5] It is to be noted here that, the Trial Court while deciding the application of applicant for bail in its Order dated 7th June 2017 has observed that, the said injured Vishnu is still unconscious, unable to walk and talk, completely paralyzed and bed-ridden and mentally dead patient.

Learned Counsel for the Intervener submitted that the said

injured is unable to walk or speak though he has been shifted to his house as of today.

6] May it as it may, the version of the first informant is duly corroborated by eye-witnesses. Medical Certificate issued by the Medical Officer also corroborates the same. Considering the aforesaid observations made by the Trial Court and considering the serious nature of offence as noted earlier and the injuries received by witness Vishnu at the hands of the applicant, in view of this Court the applicant does not deserve to be released on bail. Application is accordingly rejected.

7] In view of disposal of Bail Application, Criminal Application No.566 of 2017 does not survive and the same is disposed off.

(A.S. GADKARI,J.)