

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

BAIL APPLICATION NO. 1879 OF 2017

Navnath Rama Bhandare

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Umesh Mankapure for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 04th OCTOBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 156/2017 dated 24.03.2017 registered with Pandharpur Taluka Police Station, District Solapur under Sections 307, 325, 323, 504, 506 read with Section 34 of Indian Penal Code.

2 The First Information Report is lodged by Swapnil Avtade on 24.03.2017 for an incident which took place at about 10.30 p.m. of 22.03.2017. It is the case of the prosecution that the injured witness Swapnil was having love affair with the sister of Applicant. That the sister of Applicant thereafter got married. However, the Applicant and his brother Datta was having grudge against the injured that he continued to have love affair with their sister Vinita. That on the date and time of the incident, the Applicant, co-accused Datta and absconding

accused Shiva Shinde accosted the injured on a road. Thereafter, co-accused Datta assaulted the injured with sword, the Applicant Navnath assaulted injured on his head with a sickle and absconding accused pelted stones on the right leg of the injured. After residents of nearby vicinity gathered at the spot, the accused persons ran away from the scene of offence. During the course of investigation, the Applicant came to be arrested on 24.03.2017 and after completion of investigation, the police have submitted charge-sheet.

3 Learned Counsel for the Applicant submitted that the clothes of Applicant have been recovered at the instance of his father namely Shri. Ramchandra Avtade and the weapon alleged to have been used by the Applicant i.e. sickle has been recovered at the instance of co-accused Datta. Thus, there is no recovery at the instance of the Applicant. He further submitted that the injury certificate does not support the prosecution's case to the extent that, there is no injury near the eye of the victim, as alleged. He further submitted that as of today the investigation of the crime is completed and there is no necessity to further detain the Applicant in jail. He therefore, prayed that the Applicant may be released on bail.

4 The record indicates that it is the specific case of the prosecution that due to aforesaid grudge in their mind with the Applicant and his brother Datta, on the date and time of the incident, assaulted injured Swapnil with sword and sickle. The contention of the prosecution is duly corroborated by the injury certificate

issued by Shree Vitthal Hospital, Pandharpur.

5 It is to be noted here that there are 12 C.L.Ws and two fractures on head are suffered by the injured. It clearly appears that the assault on victim Swapnil was a ghastly attack endangering his life.

The record further indicates that when the Applicant was in police custody, he suffered convulsions/fits and therefore, he was taken to Rural Hospital, Pandharpur by the police. When the Applicant was being brought back after treatment on 28.03.2017, the Applicant escaped from the custody of the police. A separate offence under Section 224 of the Indian Penal Code has been registered with Pandharpur City Police Station, Solapur (Rural) for the same.

6 In view of the above, it is clear that apart from the fact that there is sufficient material against the Applicant showing his complicity in the crime, the Applicant also tried to escape from the police custody when he was taken for the medical treatment.

7 In view thereof, according to me, Applicant does not deserve to be released on bail.

Application is accordingly, rejected.

(A.S.GADKARI, J.)