

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

BAIL APPLICATION NO.2221 OF 2017

Anil @ Kalya Dattu Sarawade Applicant

Vs.

The State of Maharashtra Respondent

Mr. Satyavrat Joshi for the Applicant.
Mr. S.H. Yadav, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 21st December, 2017

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 14th March, 2016 in Crime No, 61 of 2016, registered with Chichwad Police Station, Pune. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 14th March 2016, one Suraj Bharat Kadam lodged a report at the Police Station

alleging therein that earlier there was some quarrel between the applicant and the complainant. It is alleged that Anil i.e. the present applicant had assaulted his brother Rashikant Kadam. It was the brutal assault. Rashikant had sustained head injury, which was grievous in nature. His skull was fractured. There are eye witnesses to the incident. Rashikant was admitted in Birla Hospital. That he has lost his memory. That he suffers from intermittent dizziness and hallucinations and also fainted on more than 3-4 occasions. That he has been advised operation. However, due to paucity of funds, he cannot get operated, Statements of the family members have been recorded, in which they have stated that it is impossible to leave Rashikant alone. He does not even remember that he was brutally assaulted.

4 Learned counsel for the applicant vehemently submits that co-accused has been enlarged on bail almost more than one year ago i.e. on 19th October, 2016 and that the applicant has been in custody for more than 1½ years and therefore deserves to be enlarged on bail. As against this, the learned APP has vehemently submitted that the injury caused at the hands of the present applicant was so brutal. That the applicant has to live vegetative life. That due to paucity of funds, it is not possible for the injured to take proper treatment. In these circumstances, the applicant does not deserve to be enlarged on bail. Taking into consideration the papers of the investigation, the nature of the injury, the consequence of the

said injury and the submissions advanced across the bar, this Court is of the opinion that the applicant does not deserve to be enlarged on bail. However, the Sessions Court shall make every endeavour to expedite the trial. The application is disposed of.

5 The observations made hereinabove are restricted to the application under Section 439 of Code of Criminal Procedure and shall not be influenced of the same at the time of trial.

(*Smt. Sadhana S. Jadhav, J*)