

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2290 OF 2017

Hemant Eknath Kale ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.M.K.Kocharekar i/b. Mr.Amit P.Ghag, Advocate for the Applicant.

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

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CORAM : A.M.BADAR J.

DATED : 7th NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.109 of 2016 for the offence punishable under Sections 307, 323, 324, 325, 143, 145, 147, 149, 504 and 506 of the Indian Penal Code registered with Parksite Police Station, Mumbai, by this application, is seeking his release on bail during pendency of the trial.

2 Heard the learned Advocate appearing for the applicant/accused. He submitted that the learned Sessions Judge wrongly recorded the fact that the applicant was absconding and he is an habitual criminal. The learned Advocate further drew my attention to the FIR lodged by Pankaj Rai as well as injury

certificate of Pankaj and Pravin Rai. It is argued that the applicant/accused is behind bars for the period of more than one year and as such, he is entitled to be released on bail on completion of the investigation.

3 The learned Additional Public Prosecutor opposed the application and submitted that the crime in question is serious.

4 I have carefully considered the rival submissions and also perused the entire charge sheet.

5 The incident in question took place because of petty reasons on 03/04/2016. First Informant while undertaking return journey took stop for urinating. Co-accused Kishor objected the First Informant. Then, the First Informant was taken to a nearby lane. He was assaulted there by accused persons including the present applicant. The First Informant called his brother to save him from the clutches of the accused persons. The FIR lodged by Pankaj shows that the present applicant then gave blows of knife to Pankaj as well as brother Pravin, who attempted to save the First Informant while sustaining blows of knife at the hands of present applicant.

6 Injury certificate shows that Pravin has suffered two penetrating wounds. One of those wounds is over epigastric

region and its nature is stated to be serious by attending Medical Officer. Apart from those two wounds, Pravin has suffered other minor injuries. Witness Pankaj has suffered one incised wound and one contused lacerated wound.

7 There are eye-witnesses to the incident and the recovery is effected at the instance of the present applicant.

8 Considering the nature of offence, seat of injury, weapon chosen for inflicting blow, intention of the present applicant is *prima facie* established. Considering the manner in which the crime in question is committed, no case for grant of bail is made out.

9 The application is, therefore, rejected.

(A.M.BADAR J.)