

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

**BAIL APPLICATION NO. 2318 OF 2017**

Shabbir Khajabhai Shaikh

... **Applicant**

**V/s.**

The State of Maharashtra

... **Respondent**

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Mr. U.R. Agandsurve for the Applicant.

Mr. N.B. Patil, APP for the Respondent/State.

**CORAM : A.S.GADKARI, J.**

**DATE : 02<sup>nd</sup> NOVEMBER, 2017**

**P.C.:**

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 265 dated 26.10.2016 registered with Akkalkot South Police Station, District Solapur under Sections 307, 323, 504 and 506 of the Indian Penal Code.

2 The Applicant is husband of first informant namely Smt. Rehana Shabbir Shaikh. It is the case of the prosecution that the Applicant is addicted to liquor and is doing nothing for his survival. That he used to demand money from his wife and father and after drinking liquor used to wonder in the town. That on 20.10.2016 since 6.00 p.m., the Applicant was demanding money from the first informant and his father for drinking liquor. Between 12.00 to 12.15 a.m., the Applicant again demanded money from the first informant who was sleeping in the house, when she refused to give said money, he assaulted her with Axe on her head and neck. Due to screams of the first informant, the family members woke

up and immediately took her to the hospital. In the premise, the first information report is lodged.

3 The record reveals that the first informant has received three grievous injuries on vital parts of her body. The medico legal certificate issued by Siddheshwar Multi Specialty Hospital, Solapur dated 07.02.2017 mentions the following injuries:

*H/o bleeding from (Rt) side wound on neck and cheek.*

*1) Incised wound (Rt) side neck bleeding ++ 8cm X 2cm x 3cm*

*2) Deep incised wound over (Rt) cheek with under lying bone fracture*

*Bleeding ++ 10 cm x 3 cm x 3cm muscle deep*

*3) Deep incised wound on (Rt) parital region of scalp 10 cm X 3cm X 3cm with under lying bone fracture, bleeding ++ within 24 hours.*

4 After taking into consideration, the grievous injuries caused by the Applicant to the first informant and the appreciation of the prosecution that if the Applicant is released on bail, he may again indulge into committing serious offence against the first informant and his father for fulfilling his vice of drinking liquor, this Court is of the view that Applicant does not deserve to be released on bail.

5 Application is accordingly rejected.

**(A.S.GADKARI, J.)**