

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2470 OF 2016

Kishor Anil Tayde	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.M.A.Khan,Advocate for the applicant.
Mrs.P.P.Shinde,APP, for the State.
Mr. N.R.Jadhav, API, M.F.C.Police Station, Kalyan, present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 4th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 13.4.2016 in Crime No. 160 of 2016 registered with Mahatma Phule Chowk Police Station. The investigation is completed and charge sheet is filed against the accused for the offences punishable under Sections 307, 326, 324,504 of the Indian Penal Code. The case is committed to the Court of Sessions and is registered as Sessions Case No.185 of 2016.

2. It is the case of the prosecution that the applicant happens to be the husband of the sister of the first informant – Pankaj Wankhede. Pankaj

Wankhede, who was admitted in the hospital with grievous injuries, has disclosed to the police that there was a quarrel between the applicant and his wife. The wife of the applicant was residing with her paternal aunt at Shivaji Nagar. On 12.4.2016, the wife of the applicant informed her brother that she has been assaulted by her husband. Upon receipt of the said information, the informant Pankaj and his paternal aunt had been to the Kalyan Station. They met the applicant. There was a quarrel and thereafter Pankaj had taken his sister to the house of their paternal aunt. At about 6.45 p.m. the applicant had been to the house of paternal aunt of Pankaj. He started hurling abuses. Pankaj had questioned the applicant as to why he is abusing his sister. Initially, the applicant had slapped Pankaj and then abused him. There was an altercation. The relatives had attempted to pacify the quarreling members. Suddenly, the applicant had drawn knife which he had concealed and then assaulted Pankaj several times. He had also assaulted the mother of Pankaj. Pankaj was rushed to the hospital. He had sustained several grievous injuries and therefore was admitted in the ICU. He was administered transfused six packed red cells, six platelets, six fresh frozen plasma, bilateral chest tube inserted, CT scan suggestive of splenic laceration and left renal laceration, operated and found to have left renal injury, left sided diaphragmatic injury and splenic injury, splenectomy

done, diaphragmatic rent closed. He had sustained internal injuries to the liver. There was liver laceration and left diaphragmatic injury.

3. The learned counsel for the applicant submits that Section 307 of IPC is not attracted as the applicant had no intention to cause homicidal death of Pankaj. It was in the heat of passion that he had assaulted Pankaj.

4. Taking into consideration the nature of the injuries, it cannot be said that the applicant has not committed an offence punishable under Section 307 of IPC. Moreover, the case is committed to the Court of Sessions. At the time of admission, the patient was in a state of shock and the doctor had opined that the injuries sustained by him are life threatening. It is in view of this, the applicant does not deserve to be enlarged on bail. The application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)