

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

CRI. BAIL APPLICATION NO. 1540 OF 2018

Jitendra Madhukar Pandit ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Rahul Keshav Dhaigude, Advocate for the Applicant.

Mr. Ajay S. Patil, APP for the State.

CORAM : ANUJA PRABHUDESSAI, J.

DATE : SEPTEMBER 12, 2018.

PC :

1 This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant who has been arrested CR No.11 of 2017, registered at Koregaon Police Station for the offence punishable under Section 307 read with section 34 of Indian Penal Code.

2 Heard Mr. Rahul Dhaigude, learned counsel for the applicant, Mr. Ajay Patil, learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3 The aforesaid crime is registered pursuant to the first information report dated 13.01.2018 lodged by one Maruti Vasant Sable. The first informant has stated that on 12.01.2018, while the applicant and his nephew- Vishal were at Dhaba (Road side food stall) the applicant and the co-accused – Amar Rakshe came to the Dhaba and placed an order for takeaway food. He has stated that Vishal Sawant had requested the applicant to clear the previous bills. The applicant and the co-accused did not like such demand and they tried to assault said Vishal Sawant, however, the first informant intervened and prevented them from assaulting him. It is further alleged that the applicant threatened the first informant and stated that Vishal will have to face serious consequences.

4 The first informant claims that later on at 10.45 pm., the first informant received a phone call, stating that Vishal and Sagar had sustained injuries and that they were shifted to Koopar Company's Hospital. When the first informant

visited the hospital, the injured persons told him that they were assaulted by the applicant and the co-accused - Amar Rakshe.

5 The statements of these injured persons, prima facie, indicate that while they were proceeding towards their residence, the applicant and co-accused Amar Rakshe stopped their motorcycle and that the co-accused Amar Rakshe had stabbed them with a knife. The statement of the injured persons, prima facie, indicates that the applicant had caught them while the co-accused Amar was inflicting blows of knife. The statements of these two witnesses, prima facie, indicate that the applicant had not only threatened them but, had actively participated in the crime and had thus facilitated commission of the crime. The injured persons were treated and operated in Sai Amrut Multi-speciality hospital. The medical certificate reveals that both these injured persons had sustained penetrating stab wounds on vital parts of body. The injuries are stated to be grievous in nature.

6 The material on record, prima facie, indicates that the applicant is involved in committing a serious crime, which is in fact a crime against the society. Considering the above facts and particularly the fact that the trial has not yet commenced and evidence of the injured witnesses is not yet recorded, in my considered view, this is not a fit case for grant of bail.

7 Hence, the bail application is dismissed.

(ANUJA PRABHUDESSAI, J.)

.....