

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

BAIL APPLICATION NO.1720 OF 2018

Suraj Ram Gulave	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Nitesh Mohite I/b. Mr. Jaydeep D. Mane for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent-State.
Mr. S.B. Jore, PSI,. Barshi City Police station present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 11th OCTOBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who has been arrested in Crime No.119 of 2018 registered at Barshi City Police Station, Solapur (rural), for offences punishable under Sections 143, 147, 148, 307, 327, 326 and 504 r/w. 149 of the Indian Penal Code, 1860.

2. Heard Mr. Nitesh Mohite, the learned counsel for the Applicant and Mr. S.R. Agarkar, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR dated 9.3.2018 lodged by Jyotirling Vitthal Jagtap, father of the injured-Omkar. A perusal of the FIR reveals that on 8.3.2018 at about 8.30 p.m. the first informant had received a call that his son Omkar was admitted in Jagdale Mama Hospital. He claims that he and his wife visited the hospital and found that Omkar was in a critical state. He has stated that Swapnil Walekar, friend of Omkar informed him that while he and Omkar were waiting on the road after their classes, the Applicant and 10 to 12 boys came to the spot and questioned Omkar as to why he was waiting on the road. The Applicant and other boys abused Omkar and thereafter assaulted him with iron rod.

4. The statement of the injured prima facie reveals that on 8.3.2018 at about 7.30 p.m., after attending Brilliant classes, he and his friend were standing by the Alipur Road, Barshi. He has stated that the Applicant and other co-accused came to the place of the incident and abused and assaulted him with the iron rod. The statement of Swapnil Walekar also prima facie reveals that the Applicant herein had assaulted Omkar by means of iron rod. The medical certificate reveals that the injured-Omkar had sustained several injuries. The medical certificate dated 12.3.2018 reads thus:-

“On examination there was contusion over the anterior abdominal wall, transverse involving epigastric and extending to both hypochondriac region with abrasion (LT.) side lower chest wall. These are the external injury that patient has.

After evolution found to have internal hollow viscus injury with peritonitis, for which he underwent exploratory laparotomy on 9.3.2018. Intraoperatively we found following injury.-

- 1x1 cm rent over the antimesenteric border of jejunum with free fluid~ 2 Ltrs. In Peritoneal cavity, with pus plaques over the small bowel.
- Multiple contusion over small bowel mesentery and dilated small bowel.
- Contusion over the omentum and transverse colon.

He underwent primary repair of the rent with peritoneal lavage. Intraoperatively 1 Point PCV (Blood) given and 1 point in post operative ICU given.

The above mentioned internal injury are the grievous injury and patient's condition is critical & dangerous to life.”

5. The records reveal that the injured was discharged on 15.3.2018 against the Doctor's advice as he has to answer the examination. The material on record prima facie reveals that the Applicant herein was involved in assaulting the injured-Omkar by means of iron rod. Nature of injuries sustained by Omkar shows a brutal manner in which he was assaulted. The medical certificate shows that the injuries sustained by Omkar were dangerous to life /life

threatening. There is reasonable ground to believe that the Applicant is involved in committing of serious crime. The eye witnesses, who were from the same locality are yet to be examined. Releasing of the Applicant at this stage can jeopardies the trial.

6. Considering the above facts and circumstances, in my considered view, this is not a stage on which the Applicant can be released on bail. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)