

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 9 OF 2018

IN

CRIMINAL APPEAL NO. 125 OF 2016

Ananta Amrut Gimbal

...Applicant
(Org. Accused)

Vs.

State of Maharashtra

...Respondent
(Org. Complainant)

.....
Ms. Rohini M. Dandekar, Advocate appointed for the applicant.

Mrs. G.P. Mulekar, A.P.P. for the State.

.....

**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 5th FEBRUARY, 2018.

ORDER (PER SMT. V.K. TAHILRAMANI, ACTING C.J.) :-

Heard both sides.

2. The applicant has been convicted under Section 302 of the Indian Penal Code and sentenced to life. The applicant is now seeking bail.

3. The applicant is seeking bail on the ground that his daughter Sarita is studying in 10th standard and other child is studying in 8th standard. This is a sole ground of which the applicant is seeking bail.

4. It is seen that in the present case, the incident had occurred on 12/11/2007, at 6.00 p.m. At that time, the applicant assaulted his step-brother Kisan with 'koyta'. The assault was mostly on the neck and head. Kisan sustained 17 injuries in the incident out of that 11 injuries were on the head and 2 injuries were on the neck. The reason for assault was dispute relating to agricultural property. There are three eye witnesses to the incident i.e. PW-3 Gulabbai, PW-4 Ladku and PW-5 Arun. They have all stated about motive as well as assault by the applicant on Kisan.

5. Looking to the role played by the applicant and number and nature of injuries sustained by Kisan, we do not think that this is a fit case to grant bail. The application is rejected accordingly.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)