

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 684 OF 2018**

Vaibhav @ Gotya Kachru Bagul	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vaibhav A. with Mr. Vivek V. Salunke I/b Mr. Dinesh R. Shinde for the Applicant

Mr. M. G. Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 3rd APRIL, 2018

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-147 of 2017 registered with the Central Police Station, Ulhasnagar, Thane, for the alleged offences punishable under Sections 307, 324, 323, 201, 109, 34 of the Indian Penal Code; Sections 37(1), 135 of the Bombay Police Act and Sections 4, 25 r/w 28 of the Arms Act.

3. Perused the charge-sheet. The statement of Sameer Khatri (injured) clearly shows the complicity of the applicant in the alleged offence. It appears from the statement of Sameer that an incident had taken place on 3rd June, 2017 at about 12:30 a.m. in the restaurant of co-accused Hitesh Israni. In the said incident, the applicant is alleged to have assaulted Sameer with a hockey stick on his legs and co-accused Hitesh is alleged to have threatened Sameer with a pistol. On the very same day, at about 12-12:15 p.m., Sameer along with his friend, went to Hitesh's restaurant and questioned Hitesh why Sameer was assaulted. According to Sameer, all the accused started assaulting and abusing him with fist and kick blows and hockey sticks. As far as the present applicant is concerned, he is alleged to have assaulted Sameer with a knife in his abdomen on the instigation of co-accused Hitesh. The injury certificate of Sameer shows that he had sustained two grievous injuries - one incised wound on the left side of the neck, including on the left side survival region and a stab injury on the lower abdomen, below the umbilicus (deep perennial cavity). The injured Sameer had to be operated for the said injuries. Although it is contended that it is not a pre-planned attack and that the applicant assaulted on the instigation of his employer co-accused Hitesh, the fact remains that the

applicant has assaulted Sameer with a knife causing grievous injuries to Sameer. Sameer's statement is consistent with the statement of his friend Asim.

4. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Application is rejected. However, the trial of the applicant is expedited.

5. If, for no fault of the applicant, the trial does not conclude within a period of one year, the applicant is at liberty to file a fresh application.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.