

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.441 OF 2018

IN

CRIMINAL APPEAL NO.73 OF 2017

Ganesh Subhash Gaikwad ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr.R.A.Naik i/b. Mr.Umesh R. Mankapure, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 29th JUNE 2018.

P.C. :

1 Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant/accused is sentenced for a fixed period and therefore, in view of the law laid down by the Honourable Apex Court in the matter of *Bhagwan Rama Shinde Gosavi & Ors. v. State of Gujarat*,¹ he is entitled to be released on bail during pendency of the appeal filed by him. The learned Advocate further argued that timely medical treatment was not given to the injured and there are four more alleged eye-witness, which are not examined by the prosecution.

1 (1999) 4 Supreme Court Cases 421.

2 The learned Additional Public Prosecutor opposed the application.

3 Victim of this crime is P.W.No.5 Sharada Gaikwad. The present applicant is related to her. He took up quarrel with Sharada on trivial issue and then attempted to kill her by giving blows of *Sattur* on her neck. She attempted to ward off those blows by her hands. Resistance to blows resulted in chopping of the hand of the injured P.W.No.5 Sharada Gaikwad. She sustained injury to her hands apart from chopping of her left arm.

4 Considering the degree of criminality shown by the applicant/accused and the manner in which the crime is committed by him as well as the reason which triggered commission of the offence, this is not a fit case to release the applicant on bail.

5 The application is, therefore, rejected.

(A.M.BADAR J.)