

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.478 OF 2017

IN

CRIMINAL APPEAL NO.274 OF 2017

VIJAY JAYWANT DONGARE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Aniket Nikam a/w. Mr.Aashish Satpute and Mr.Harshal Patil,
Advocate for the Applicant.

Mr.V.V.Gangurde, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 19th JANUARY 2018

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused is convicted of offences punishable under Sections 307 and 452 of the Indian Penal Code. For the offence punishable under Section 307 of the Indian Penal Code, he is sentenced to suffer rigorous

imprisonment for 10 years and for the offence punishable under Section 452 of the Indian Penal Code, he is sentenced to suffer rigorous imprisonment for 5 years.

2 Heard the learned advocate appearing for the applicant/accused. He argued that during pendency of the trial, the applicant/accused was on bail and he has not misused his liberty. The learned advocate further drew my attention to the fact that during pendency of the trial, the dispute has been settled in the Dispute Resolution Committee of the Village. It is further argued that as the appeal filed by the applicant/accused is admitted, the applicant/accused deserves to be released on bail, as he was on bail during pendency of the trial.

3 The learned APP opposed the application.

4 I have carefully considered the rival submissions and perused the impugned judgment and order of conviction, so also deposition of prosecution witnesses.

5 Evidence of the injured victim shows that in the afternoon of the day of the incident, he intervened in the quarrel between the present applicant/accused and one Akash Tamboli. This appears to have infuriated the applicant/accused, who took an opportunity in the late afternoon to enter in the house of the victim and to assault him by giving successive blows of knife. The damage caused by wounds suffered by injured PW2 Pravin is reflected from version of Dr.Swapnil Pise (PW5) and Dr.Shrihari Sarokte (PW6).

6 Prima facie, attempt to commit murder is made out and while committing the offence, PW2 Pravin was severely wounded. Hence, no case for bail is made out.

The application is, therefore, rejected.

7 The hearing of the appeal is expedited. The parties are at liberty to file private paper book and mention the matter as soon as private paper book is filed.

(A. M. BADAR, J.)