

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 964 OF 2018**

Jitendra Bapu Suryawanshi. .. Applicant.

V/s.

State of Maharashtra. .. Respondent.

Mr. Wasim Najirahmed Samlekha, advocate for applicant.

Ms. Veera Shinde, APP for State.

Mr. Santosh S. Asawale, HC, Crime Branch, Sangli.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 3, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 14/9/2016 in Crime No. 194 of 2016 registered at Islampur Police Station for offence punishable under section 307, 324, 506 of the Indian Penal Code and section 4 read with section 25 of the Indian Arms Act. The investigation is completed and charge-sheet is filed

3 It is the case of the prosecution that on 14/9/2016 one Subhash Suryawanshi lodged a report at the police station alleging therein that his nephew Vijay Suryawanshi owned a rickshaw and the present applicant had demanded the said rickshaw to ply. His nephew

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Vijay had refused. Thereafter, the applicant had lost his temper and had damaged the rickshaw. He had also damaged the window panes of the office of the complainant. Since the applicant belongs to the same caste as that of the nephew, no report was filed. On 14/9/2016 the first informant alongwith the president of Municipal Council were visiting the development spots of Islampur. He had asked his driver Sidhanath Sawant to stop and take him back home. When he was passing through Ambika Garden, his motor cycle was given a dash. He saw the present applicant giving dash to the motor cycle. The first informant had seen that the applicant had fallen down and therefore, had given him helping hand and at that stage, the applicant had assaulted the complainant with a sickle as he was enraged because the rickshaw was not given to him for plying. He had also assaulted him and his driver. The first informant had sustained injuries. He was taken to Krushnai Hospital. He has sustained 3 contused lacerated wounds on the temporal region, which were grievous in nature and one contused lacerated wound on his thumb, which was described as simple in nature. Sidhanath Sawant had also sustained two contused lacerated wounds. In the course of investigation, statement of eye witnesses were recorded and their statements were also recorded under section 164 of the Code of Criminal Procedure, 1973, wherein they have consistently stated that they had seen the present applicant assaulting the first informant.

4 Learned Counsel for the applicant submits that now that the investigation is completed and charge-sheet is filed and that the applicant is in custody since September, 2016, he deserves to be enlarged on bail.

5 However, the learned APP has placed on record the criminal

antecedents of the applicant, wherein he has been charge-sheeted for offence punishable under section 394, 395, 326, 307 etc. The applicant was beyond re-approach. Every time he was granted bail, he would indulge into similar offence and therefore, by an order dated 23/12/2016, the Home Department of State of Maharashtra had passed an order of detention against the present applicant for a period of 6 months from 1/1/2018 to 30/6/2018.

6 The learned Counsel for the applicant submits that now that the applicant had undergone detention for full period, he deserves to be enlarged on bail.

7 Upon perusing criminal antecedents of the applicant, it cannot be said that the applicant would not indulge into similar offences, since every time, he was enlarged on bail in one case, he would indulge into similar offence. The safety and security of the members of the society would prevail over the liberty of the applicant. Hence, the application being sans merits stands rejected and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

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