

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.992 OF 2017
IN
CRIMINAL APPEAL NO.688 OF 2017

Satish Bhau Kale ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr.Vaibhav R. Gaikwad for the applicant.

Ms.Anamika Malhotra, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 21st AUGUST 2018.

P.C. :

1. This is an application for suspension of sentence and for releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant / accused alongwith co-accused is convicted of offence punishable under Section 307 read with Section 34 of the Indian Penal Code. The applicant is sentenced to suffer rigorous imprisonment for seven years apart from payment of fine of Rs.10,000/- and in default to undergo further rigorous imprisonment for three months.

2. Heard the learned Advocate for the applicant / accused as well as the learned Additional Public Prosecutor for the State.

3. The learned Advocate for the applicant argued that the applicant is behind bar from 14th February, 2014 and therefore he entitled to be released on bail. It is further argued that previous enmity is not proved by the prosecution. The learned Additional Public Prosecutor opposed the application.

4. I have considered the submission so advanced and perused the impugned Judgment and order of conviction as well as resultant sentence. It is seen that PW5 Nilesh Govekar an injured witness categorically ascribed overt act to the present applicant. As per his version, the applicant has assaulted him on his abdomen by a knife and co-accused Suraj Aatke assaulted with a sickle. Medical evidence adduced by the prosecution shows that apart from stab wound on the abdomen on the injured PW5 Nilesh Govekar, he had also suffered multiple C.L.W. over right wrist, left shoulder, arms so also multiple injuries on neck, frontal region of head, fronto parietal on right and left side of the head.

5. Considering excessive injuries suffered by the victim of the crime in question *prima facie* intention is established by the prosecution. Considering the nature and manner in which the crime was committed no case for grant of bail is made out.

Therefore the order;

:: ORDER ::

- (i) The application is therefore rejected.
- (ii) However, hearing of the appeal is expedited.

Vina
Arvind
Khadpe

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(A.M.BADAR J.)