

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2979 OF 2017**

Kishor Anil Tayade	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Aniket Nikam I/b Mr. Aashish Satpute for the Applicant

Mrs. A. A. Takalkar, A.P.P for the Respondent-State

API Mr. Ra, Divekar from Mahatma Phule Chowk Police Station, Thane,
is present

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-160 of 2016 registered with the Mahatma Phule Chowk Police Station, Thane, for the alleged offences punishable under Sections 307, 326, 324, 323, 504 of the Indian Penal Code.
3. Perused the charge-sheet. The applicant is the brother-in-law of the injured/complainant-Pankaj Wankhede. According to the

prosecution, some altercation had taken place between the applicant and the injured, prior thereto. It is alleged that on 12th April, 2016, after the initial altercation, the applicant came at about 8:20 p.m, armed with a knife and assaulted the complainant/injured on his waist, back and other parts of the body. The applicant is also alleged to have assaulted his mother in the said incident. The complainant/injured-Pankaj Wankhede has received multiple stab injuries on his person i.e. incised wound over left flank, incised wound over left lower chest 10 cm lateral to midline at level of 10th rib; incised wound over left chest on back 10 cm from midline at level of 7th rib posterior; incised wound over right chest posterior 10 cm lateral to midline at level of 7th rib posterior; incised wound over left buttock laterally; incised wound lateral to left scapula inferior tip and incised wound on left posterior axillary line at level of 5th rib. It appears that the complainant/injured was admitted in the ICU due to the said injuries. The applicant's mother has also received an injury on her right forearm.

4. If the applicant is enlarged on bail, the possibility of the applicant tampering and threatening the witnesses cannot be ruled out. There are three independent eye-witnesses to the said incident and the 164

statement of the injured has also been recorded. There is recovery of a blood stained knife at the instance of the applicant. It appears that charge has also been framed in the said case.

5. Considering the *prima facie* material as against the applicant, showing his complicity in the offence, this is not a fit case to enlarge the applicant on bail. The application is accordingly rejected.

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.