

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2612 OF 2019

Laxman Dhawade, Age 46 years,
Occ.Business, R/o.S.No.16/A,
Matorhri Bungalow, Shivnagar Kolhewadi,
Post Khadakwasla, Tal.Haveli, Dist.Pune.
(Presently lodged in Jail)

Applicant

versus

The State of Maharashtra

Respondent

Ms.Nagma Tandon for applicant.

Mr.S.H.Yadav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th December 2019

PC :

1. The applicant is seeking bail in CR No.119 of 2019 registered with Singhgad Road Police Station, Pune for offences under Sections 307, 341 and 506 of IPC. The FIR was lodged by the injured on 16th January 2019.

2. It is the prosecution case that the injured was in relationship with the accused. He is a married person having children. The injured-complainant was conducting parlour business. On 15th January 2019 she was proceeding on her scooter with her friend Manisha Kuradkar. She noticed the applicant traveling in four wheeler. The accused took turn and followed them. When they reached at Barangi Mala opposite stone crusher, Dalviwadi, Nanded Phata, Pune, the applicant came there. He took up the weapon like chopper from his car. The applicant and her friend were obstructed

from proceeding further. The accused then assaulted the complainant on her neck, back and both the hands. As a result of assault, she sustained injuries and her index finger was amputated. She was treated in the hospital and the FIR was lodged. The applicant was arrested. On completing the investigation, charge sheet is filed.

3. Learned counsel for applicant submits that the applicant is in custody for almost one year. He may be granted bail on any stringent condition. The medical record indicate that the injured was discharged from hospital within four days. It is further submitted that medical certificate of Sinhgad Super Speciality Hospital refers to the injuries sustained by complainant. However, the history provided by her did not indicate the name of assailant. It is submitted that the statement of Vaijayanta Pokale working in the parlour of the complainant mentions that on 15th January 2019 Manisha Kuradkar had informed her that the complainant has met with an accident and she is admitted in hospital. She has further stated that when she met the complainant on 17th January 2019, the complainant stated that she has not met with the accident but she has been assaulted by the applicant with sharp weapon like chopper. It is submitted that the applicant was in relationship with the complainant for a period of about eight years. The fact that he was married and was having children was known to her. The applicant is willing to stay out of the jurisdiction of investigating police station.

4. Learned APP submitted that the offence is of serious nature. The intention of the accused was to kill the complainant. The statement of complainant, the eye witness, who was accompanying

the complainant, establishes the assault by complainant. The medical certificate shows serious injuries sustained by the complainant. If the applicant is granted bail, there is every likelihood that he would cause harm to the life of victim.

5. I have perused the statements on record. The first informant has specifically stated that the applicant had assaulted her by sharp weapon on neck, back and hands. She also stated that her index finger is amputated. The statement of the friend of the complainant who was accompanying her was also recorded, which corroborates the version of complainant. The injury certificate of the victim indicate that she has sustained seven injuries, such as :

- (i) CLW measuring 3x0.5x0.5 cm over R Parietal region;
- (ii) CLW measuring 6x0.5x0.5 cm in U parietal region;
- (iii) Two CLW measuring 3x0.5 cm each over occipital region;
- (iv) CLW measuring 2.5x0.5 cm over RF neck region;
- (v) Large degloring CLW over R forearm measuring approximately 15x1x10 cm;
- (vi) CLW over LF middle finger with ext.tendon injuries;
- (vii) Half amputated index finger till proximal phalana.

6. Thus, there is substantial evidence against applicant showing his involvement. The applicant had assaulted the complainant who is a woman causing serious injuries to her. The injuries were caused on vital part of body. The assault has resulted into amputation of a finger. Considering the manner in which the victim was assaulted, the applicant cannot be granted bail. However, considering the fact

that applicant is in custody for a period of one year, the trial can be expedited. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2612 of 2019 is rejected;
- (ii) Trial is expedited.

(PRAKASH D. NAIK, J.)

MST