

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1334 OF 2018

Babu @ Samir Gopal Gogewale .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Omkar V. Warange, Advocate, for the Applicant
Mr. V. V. Gangurde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 16.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-99 of 2016 registered with the Kopri Police Station, Thane, for the alleged offences punishable under Sections 302, 376, 452 & 511 of the Indian Penal Code.

3. Perused the papers. According to the prosecution, the incident took place on 02.10.2016 at about 1.30 p. m. in the house of the deceased. It is alleged that the Applicant, aged 18 years, neighbour of the deceased had attempted to ravish her and in the process, slit her

throat with the kitchen knife. The said incident of assault by knife was witnessed by Mrs. Pratika Waidande. The said witness – Mrs. Pratika has stated that she did not disclose the incident earlier, as the Applicant had threatened her, when he realized that she had witnessed the incident of assault. The weapon i. e. knife with which the deceased was assaulted was a kitchen knife, was recovered at the instance of the Applicant and the said knife has been identified by the deceased's husband. It also appears that in the said incident, the deceased offered resistance, as a result of which the Applicant sustained injuries on his person i. e. nail scratch marks on several parts of his body.

4. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Hence, the Application is rejected. However, the trial of the Applicant is expedited.

5. 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.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)