

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1892 OF 2019

Deepak @ Panda Rohidas Ghanwat] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Satyavrat Joshi i/b Mr. Nitesh J. Mohite, Advocate for the Applicant.

Ms. S.S. Kaushik, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 25th SEPTEMBER, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.406/2018 registered with Chakan Police Station, Pune Rural u/sec. 307, 452, 323, 504, 506 r/w 34 of I.P.C. and u/sec. 4 r/w 25 of the Indian Arms Act.

2. The applicant was arrested on 27/04/2018 and since then he is in custody. The investigation is over and the charge-sheet is filed.

3. The case pertains to brutal assault on one Sandeep Padwal. The

FIR is lodged by Sandeep's friend Akash Shelke on 24/04/2018. He has stated that, on 23/04/2018 at around 8.00 p.m. accused Rajesh Kamble and Vitthal Pikale came in front of Sandhar Company Gate. The informant and Sandeep were present there. They approached Sandeep and the informant. They questioned Sandeep as to why he was not parking his tempo inside Sandhar Company and Link Corporation company, Varale. When Sandeep did not assure them of such parking, they started assaulting him with fists. Sandeep fell down. At the same time, the applicant and one Mayur Mandale came there on motorcycle. They were carrying sickles. Both of them assaulted Sandeep on his head, face and chest. The informant tried to save him. But the applicant and Mayur Mandale threatened him with their weapons. After that all of them went away. Sandeep had fallen down and had become unconscious. The informant with the help of others took him to Birla Hospital, Chinchwad, Pune. On this basis the FIR is lodged.

4. The investigation was carried out and during investigation statement of victim Sandeep was recorded on 25/06/2018. He has stated that on 24/04/2018 initially Rajesh Kamble and Vitthal Pikale

confronted him and thereafter the applicant and Mayur Mandale came there with sickles. He has further stated that, Mayur Mandale assaulted him on his head with sickle and then he assaulted him with the same weapon on his head, face and chest. Subsequently, the first informant Akash Shelke took him to hospital. Apart from that, he stated that the applicant and Mayur Mandale threatened the first informant and therefore he could not immediately save the victim.

5. Heard Mr. Satyavrat Joshi, Ld. Counsel for the Applicant and Ms. S.S. Kaushik, Ld. APP for the State/Respondent.

6. Ld. Counsel for the applicant submitted that, the informant himself has not stated that, the applicant had assaulted Sandeep with the weapon. Though his presence at the spot with weapons is stated by the victim. The victim Sandeep had specifically stated that, applicant confronted him. Mayur Mandale had actually assaulted him with sickle on his head, face and chest and he therefore submits that, looking at the minor role of the applicant and in view of the statement of the victim, the applicant deserves to be released on bail.

7. Ld. APP opposed this application on the ground that, the informant was an eye witness and he has seen the entire incident. The informant has stated in his FIR that, the applicant also assaulted the victim on his head, face and chest.

8. I have considered their submissions and I have perused the charge-sheet. The charge-sheet contains medical papers showing injuries suffered by the victim Sandeep. He had suffered as many as 8 CLW over his throat, head and chest. It was his good fortune that, he did not succumb to his injuries and he was immediately removed to the hospital. The injuries are quite serious and are on vital parts. Their dimensions are also big. Thus, it is more than clear that, the victim has suffered very serious life threatening injuries. There is recovery of sickle at the instance of the present applicant. Apart from that, subsequent conduct of the applicant is also important. After assaulting Sandeep, the applicant, Rajesh Kamble and one more person came to the house of Prakash Dond. That time the applicant had boasted that, they had just committed murder of one person and they wanted to commit murder of one Prakash. The applicant and others forcibly entered his house and threatened those who were

present there. The crowd from locality gathered there and the applicant could escape from there. Rajesh Kamble was caught at the spot. Thus intention of the applicant is very clear from his conduct. At this stage, the statement of the informant as well as that of the victim show that the informant had ascribed a specific role to this applicant. The injuries are serious and the intention to commit murder was also clear. In this view of the matter, taking over all view of the matter, no case for bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)