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

CRIMINAL BAIL APPLICATION NO.2024 OF 2019

Basant Dudhnath Rajbhar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Mohd. Saeed Moghul, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI – Nivrutti Bawaskar, MHB Colony Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st AUGUST, 2019

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.36 of 2019 registered with the MHB Colony Police Station, Mumbai, for the alleged offences punishable under Sections 326, 504 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that the

applicant's brother-in-law has lodged a cross case/FIR as against the complainant – Ashish Saroj herein. He submitted that in the FIR lodged by the applicant's brother-in-law, there are allegations as against the complainant – Ashish, that he twisted the fingers of the applicant's brother-in-law, pursuant to which, the fingers were fractured. He submitted that the complainant – Ashish whilst running from the spot, may have fallen on a sharp object and sustained injury on his chest.

4. Learned APP states on instructions, that the trial has commenced and till date 2 witness have been examined and that the prosecution intends to examine 3 - 4 more witnesses. Statement accepted.

5. Perused the papers. According to the complainant – Ashish Saroj, the incident took place on 14th January, 2019, at about 12 midnight. The complainant has alleged that a quarrel took place between him and the applicant on account of some previous incident. It is alleged that in the said incident, the applicant assaulted the complainant with a knife on his chest and thereafter fled from the spot.

6. Considering the role of the applicant and the fact that trial has already commenced, this is not a fit case to enlarge the applicant on bail.

7. Hence, the application for bail is rejected and disposed of as such.

8. 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.