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

CRIMINAL BAIL APPLICATION NO.2309 OF 2019

Kunal Deepak Bavdhane

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.B.J.Shaikh, for the Applicant.

Mr.P.H.Gaikwad-Patil, A.P.P for the Respondent - State.

Mr.U.V.Mohite, for the Original Complainant.

PSI –Samir Pawar, Kasturba Marg Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th SEPTEMBER, 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.48 of 2019 registered with the Kasturba Marg Police Station, Mumbai, for the alleged offences punishable under Section 307 of the Indian Penal Code and under Section 37(1)(a) r/w Section 135 of the Maharashtra Police Act.

3. Perused the papers in particular the statement of the complainant/injured – Rushali. The complainant/injured – Rushali has stated that she knew the applicant and that they became friends and started meeting. She has stated that the applicant had confessed his love for her. She has stated that as the applicant had threatened to commit suicide, she started distancing herself from the applicant. The complainant/injured – Rushali has further alleged that the incident took place on 30th January, 2019, when she was with the applicant in the National Park. She has stated that when she was seated in the rickshaw, the applicant pulled out a knife and assaulted her on her neck. She has stated that when she tried to ward off the blow, she sustained injuries on her hands and started shouting. She has stated that the rickshaw driver looked back and saw her in an injured condition. She has stated that the applicant thereafter, assaulted her on her back and face, pursuant to which, she pushed the applicant and got down from the rickshaw. She has further stated that thereafter, the people who were at the spot, took her to Shatabdi Hospital. It also appears that after assaulting the complainant/injured, the applicant inflicted injuries on his person i.e. on his neck and abdomen. A perusal of the injury certificate of the complainant/injured – Rushali shows that she has sustained 4 injuries, which are stated to be grievous in nature i.e. an incised wound on her face and neck.

4. Learned Counsel for the applicant states that the applicant was not in a frame of mind, pursuant to which, he too inflicted injuries on his abdomen, which were grievous in nature. He states that the injuries sustained by the complainant/injured are accidental and that the applicant had no intention to cause any injury to the complainant/injured. He further states that the applicant requires psychiatrist help having regard to his mental condition, even in jail.

5. Whether or not the injuries are intentional or accidental, is a matter which will be decided by the trial Court. As far as merits are concerned, having regard to the manner in which the applicant assaulted the complainant/injured, the nature of injuries sustained by complainant/injured, this is not a fit case to enlarge the applicant on bail. The possibility of the applicant committing a similar offence and endangering the life of the complainant cannot be ruled out, in the peculiar facts of this case. The possibility of the applicant tampering with the witnesses also cannot be ruled out. Hence, the application for bail is rejected. However, having regard to the manner in which, the incident took place and the mental condition of the applicant, the Superintendent, Thane Central Prison, to provide psychiatrist help/counseling, to the applicant atleast once in a week. A copy of the charge-sheet, to be also furnished to

the concerned doctor treating the applicant, so as to enable him to understand the areas on which the applicant needs to be counseled.

6. The application for bail is rejected and disposed of in the aforesaid terms. However, having regard to the age of the applicant, the trial of the applicant is expedited.

7. Learned APP to communicate the aforesaid order to the Superintendent of Thane Central Prison, who in turn will assure that the applicant is given psychiatrist help/counseling, atleast once a week.

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.

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

REVATI MOHITE DERE, J.