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

CRIMINAL BAIL APPLICATION NO.2723 OF 2018

Vaidyaprakash Premnath Choube	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.R.Gaud, for the Applicant.

Mr.A.R.Kapadnis, A.P.P for the Respondent - State.

PSI – Dhananjay Memane, Ghatkopar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 25th JUNE, 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.580 of 2017 registered with the Ghatkopar Police Station, Mumbai, for the alleged offences punishable under Sections 302, 324, 504 r/w 34 of the Indian Penal Code.

3. Perused the papers. The First Informant – Swapnil Bhosale, as well as Krishna Dolas have sustained injuries in the incident which took place on 21st October, 2017. It appears that there was a quarrel between the parties and thereafter, the applicant along with co-accused left the place and returned in 5 to 10 minutes and assaulted the injured i.e. the First Informant and Krishna Dolas. According to the prosecution, the applicant assaulted the First Informant over his thigh with a sharp weapon as well as on the right hand under arm; and when Krishna Dolas (injured) came to rescue the First Informant, he was assaulted by the applicant. Krishna was assaulted by the applicant on his neck. The injury certificate of Krishna Dolas shows that he has received a sutured injury on his neck. The injury certificate of Swapnil Bhosale (First Informant) shows that he has received 2 sutured injuries on the thigh and arm (medial aspect). The injury certificate is consistent with the ocular evidence. There is recovery of a knife at the instance of the applicant. There is one antecedent as against the applicant i.e. C.R.No.462 of 2015 lodged with the Ghatkopar Police Station, Mumbai, for the alleged offences punishable under Sections 325 etc., of the Indian Penal Code. It appears that whilst on bail, the aforesaid offence has been committed.

4. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail.

5. Hence, the application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited.

6. It is made clear that the observations made herein are prima facie for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.