

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3317 OF 2018

Devdas Kisan Ganekar, Age 51 years,
Occ.Business, R/o.Ganekar House, 1st Floor,
Patil Galli No.2, Pandurang Ramale Marg,
Versova, Andheri West, Mumbai.

Applicant

versus

The State of Maharashtra

Respondent

Mrs.Prabha Badadare for applicant.
Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 29th January 2019

PC :

1. The applicant is arrested in connection with CR No.145 of 2018 registered with Versova Police Station, Mumbai for offences under Section 307 of Indian Penal Code.

2. The FIR was lodged on 8th April 2018. It is the case of prosecution that the victim-injured is the wife of applicant. The marriage between the applicant and the injured was solemnized in 2005. The applicant used to assault the injured. On 7th April 2018 the injured was assaulted by applicant by giving blow of hammer on her head. On account of the assault, the applicant's wife sustained serious injuries and she was hospitalized. The medical documents indicate that the injured had sustained severe injuries. Statements of various witnesses were recorded. On completing the investigation charge sheet is filed.

3. The applicant submits that the victim is out of danger. The investigation is completed and charge sheet is filed. Further detention of the applicant is not necessary. The applicant had lodged complaint with police against behaviour of his wife prior to registration of this FIR. He, therefore, submitted that bail can be granted to the applicant.

4. Learned APP opposed the application for bail. On perusal of the statement of the injured, it is apparent that the applicant has assaulted the injured by giving blow of hammer. She was hospitalized from 8th April 2018 and was discharged on 20th June 2018. The C.T.Scan report and other documents show that the injured has sustained serious injuries. On perusal of her statement it appears that even prior to present incident, the victim was assaulted by iron rod by applicant and she was hospitalized at Cooper Hospital. The statement further indicates that the victim was continuously harassed by applicant. She was also subjected to assault. It appears that the victim has miraculously survived from the assault by the applicant. There is every likelihood that in the event bail is granted to the applicant, he would tamper with the evidence.

5. Considering the aforesaid circumstances, I do not find that case for grant of bail is made out. Accordingly, Criminal Bail Application No.3317 of 2018 is rejected.

(PRAKASH D. NAIK, J.)

MST