

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3406 OF 2018

Prathamesh Dhanaji Pawar, Age 26 years,
R/o.At 4/14, Parasnath Upadyay,
Near Cave Road, Ramvadi, Jogeshwari (E),
Mumbai-400 060.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aditya R. Mokashi for applicant.

Mrs.G.P.Mulekar, APP, for State.

Mr.Sawant, PSI, Meghwadi Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th February 2019

PC :

1. This is an application for bail under Section 439 of Code of Criminal Procedure, 1973 in Crime No.201 of 2018 registered with Meghwadi Police Station for offence under Sections 307, 323, 504, 506(2) r/w Section 34 of Indian Penal Code and Section 37(1)(a) of Maharashtra Police Act.

2. The prosecution case is that the injured Prasad Patil and Nishant Chimne were assaulted on the date of incident. The applicant had allegedly assaulted the persons by giving blows of knife. The incident had occurred on 12th July 2018. Subsequently the FIR was lodged on 13th July 2018. On completing investigation charge sheet is filed. Learned counsel for applicant submitted that the incident had arisen on account of enmity between two groups. There are cases registered against both the sides. It is submitted that

there is discrepancy with regards to the time of registration of offence. The injured persons are out of danger and on stringent conditions the applicant can be granted bail. It is submitted that one of the injured was discharged on the same day. It is further submitted that it is difficult to believe that the applicant would be carrying knife at the time of arrest. It is submitted that the injuries are not of serious nature. The applicant is on bail in other cases registered against him.

3. Learned APP, however, submitted that the applicant is the main accused who has been attributed the role of assaulting both the injured persons by knife. The medical evidence supports the prosecution case. There are eye witnesses to the incident. It is further submitted that there are antecedents against the applicant. Preventive proceedings are also initiated against the applicant u/s 107 and 151 of Code of Criminal Procedure. Hence, the applicant was also externed by issuing externment order.

4. I have perused the FIR and other documents. The first informant and other witnesses have attributed specific overt act to the applicant. According to the prosecution, the applicant had assaulted the complainant and other injured by giving blow by knife. Both the injured persons had sustained severe injuries which is apparent from the injury certificate. Apart from that, the applicant has antecedents. There is recovery of knife at the instance of applicant, which is purportedly used in the crime.

5. Considering the evidence against the applicant and aforesaid circumstances, I do not find that case for grant of bail is made out.

Hence, the application deserves to be rejected. It is accordingly rejected. However, in the event the trial is not concluded within a period of one year from today, the applicant will be at liberty to prefer fresh application for bail.

(PRAKASH D. NAIK, J.)

MST