

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2086 OF 2018
IN
CRIMINAL APPEAL NO.863 OF 2017

Pradeep Murari Keer
versus
The State of Maharashtra

Applicant

Respondent

Mr.Prashant Sarwadekar with Mr.Sutar for applicant.
Mr.Ghanshyam Upadhyay with Sushil Shukla for victim.
Mr.V.V.Gangurde, APP, for State.

CORAM : B.P.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 19th March 2019

PC :

1. Though learned counsel for applicant has strived hard to urge that nature of injuries sustained by the victims are not shown to be so serious as to attract either Section 307 or Section 324 of IPC, and further submitted that very implication of the accused in the matter appears to be deliberate and false, from a perusal of the evidence, it appears that the victim (wife of accused) was first taken to Metro Hospital where her injuries were treated and then she was taken to another hospital namely Jupiter Hospital.

2. Dr.Prakash Kotak (PW-5) who has examined the victims, has deposed in Court and insofar as victim wife is concerned, he has found following injuries :

(i) Two perforations over anterior wall of stomach were found;

- (ii) Incised wound over left lobe of liver 5 cm long;
- (iii) Two incised wounds over diaphragm 5 cm and 8 cm in length;
- (iv) Left external jugular cut was ligated (neck vein);
- (v) Right breast wound was going deep into the chest with bubbling and air link with each.

3. The prosecution has examined the visiting consultant at Metro Hospital also as PW-7 and that consultant has also deposed that the victim wife was in critical condition.

4. It is no doubt true that exact dimensions of those injuries are not on record and the doctors did not produce papers in support. Considering the description of those injuries in discharge summary dated 8th June 2015, we find that contentions of present nature cannot be appreciated at this stage. We find no case made out for grant of bail at this stage. Accordingly, Criminal Application No.2086 of 2018 is rejected.

5. However, we are inclined to expedite hearing of the appeal after paper book is prepared. Liberty mention for fixing date of hearing.

(PRAKASH D. NAIK, J.)

(B.P.DHARMADHIKARI, J.)