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

CRIMINAL BAIL APPLICATION NO.3413 OF 2018

Rohit Devendra Khot	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Vinod Kashid, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this second bail application, the Applicant seeks his enlargement on bail in connection with C.R.No. 342 of 2015 registered with the Dindoshi Police Station, Mumbai, for the alleged offences punishable under Sections 307, 326, 324, 504, 447, 506(ii) r/w 34 of the Indian Penal Code and under Sections 37(1) and 135 of the Maharashtra Police Act.

3. The first bail application of the applicant was withdrawn after arguing for some time and the same is recorded in the order dated 10th August, 2017. Vide the said order, the learned Sessions Judge was directed to complete the trial within nine months. Since there is no progress in the trial, this application is heard on merits.

4. Perused the papers. According to the First Informant – Vijay Waigankar, the incident took place on 22nd June, 2015 at about 10.00 p.m. It is alleged by the First Informant, that there was a quarrel between Dhananjay Mandavkar and the applicant, with regard to the employment of some workers; that in the quarrel, the applicant started abusing Dhananjay and thereafter pulled out a sword, concealed in his clothes and assaulted Dhananjay with the sword on his head, pursuant to which, Dhananjay's left ear was cut; that when the applicant again assaulted Dhananjay, Dhananjay obstructed the said blow with his hand, pursuant to which, he suffered an injury on his finger. According to the First Informant, when he tried to intervene the applicant also assaulted him with a sword. One Vishnu Barey, office boy, also sustained an injury, when he intervened in

the quarrel.

5. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the aforesaid case and the same is evident from the statements of some of the witnesses. He submitted that the statements show that the incident had taken place on 10th June, 2015 and not on 22nd June, 2015, as alleged. Similarly, some of the statements show that the applicant has not been named by the said witnesses.

6. According to the learned APP, the applicant being a Gunda from the area, there used to be regular quarrels and incidents such as this. He submitted that aforesaid offence was committed by the applicant, whilst on bail in another offence i.e. C.R.No.471 of 2014, registered with the Dindoshi Police Station, for the alleged offences punishable under Sections 307, 506 r/w 34 of the Indian Penal Code. He further submitted that 110 proceedings were also initiated as against the applicant.

7. A perusal of the injury certificate of Vishnu Barey, office boy, shows that Vishnu was operated on 23rd June, 2015 by Dr.Bimal Mody in an

emergency re-implantation of left thumb, bone, artery and FPL tendo was done along with tendon repair of the right ring and little finger with repair of laceration repair of left ear pinna with repair of laceration of right middle finger and left elbow. The Final Diagnosis is stated as 'Near total amputation of left thumb, laceration at the posterior aspect of left pinna of the ear, tendon injury of right ring and little fingers, laceration on right middle finger and left elbow.' The injury certificate of Dhananjay Mandavkar shows that he had sustained an injury on his head and on his finger. The injury certificate of the First Informant – Waigankar shows that he too has received an injury over parietal region and shoulder. The injury certificates are consistent with the statements of the injured and the First Informant. The applicant has committed the aforesaid offence whilst on bail in a 307 case. If the applicant is enlarged on bail, the possibility of the applicant tampering with the evidence and threatening the witnesses cannot be ruled out.

8. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. However, the trial of the applicant is expedited. The learned Judge to conclude the trial as expeditiously as possible and

preferably within 9 months from the date of receipt of this order. The parties to co-operate in the conduct of the trial.

9. Accordingly, the application for bail is rejected and disposed of as such.

10. 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.