

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (BA) NO. 551 OF 2019**

(Bhanudas @Bhandya Holekar Bhosale vs. State of Maharashtra,  
Through PSO, P.S. Risod, District Washim)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri. S. K. Wankhede, Advocate for the applicant  
Shri. H.R. Dhumale APP for the respondent State  
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**CORAM : MANISH PITALE, J.**

**DATED : July 30, 2019**

The applicant herein has approached this Court as he stood arrested on 24.11.2018, in connection with FIR dated 01.11.2018, registered against him and one more accused person for offence under Section 307 read with 34 of the Indian Penal Code.

2. The incident is said to have occurred on 30.10.2018, when the injured victim / complainant was assaulted by means of knife by the applicant when he was in the company of the co-accused i.e. sister-in-law. As per the complainant, two accused persons had visited the area of the cattle-shed where the complainant was present and when he questioned the applicant and the co-accused person as to what were they doing there in the night and asked them to move away, the applicant and the co-accused went away from there. According to the complainant, they again visited the place of incident on 30.10.2018 and at that point of time, the applicant

allegedly assaulted the victim / complainant by means of knife on his abdomen. On the complainant raising hue and cry some persons rushed to the spot of incident, but, at that time the applicant and the co-accused person ran away.

3. As noted above, the accused persons were arrested on 24.11.2018. It is contended by the learned counsel appearing for the applicant that he is resident of a place which is about 120 Km. away from the place of incident and that his involvement in the alleged offence is unlikely. It is further submitted that the investigation is already over and charge-sheet has been filed on 15.02.2019 and, therefore, the applicant deserves to be enlarged on bail. It is also pointed out that the co-accused person was released on bail on 13.02.2019.

4. The learned APP has opposed grant of bail in present case, pointing out that the applicant and his role in the incident has been specifically stated by the injured victim / complainant and that the two persons, who reached the spot of incident have also stated that they saw the applicant and the co-accused person running away from the spot of incident. On this basis, the present application is opposed.

5. Heard learned counsel for the parties and perused the material on record. The statement of the complainant describes in detail the role of the applicant in causing serious injuries to the abdomen of victim /

complainant by means of knife. The injury report on record also shows that the victim / complainant suffered injury to the lumbar region about 15 cm. in length, cutting all the layers of abdomen with prolapse of small intestine and omentum. The aforesaid description of the injury clearly shows that a serious injury was inflicted to the victim / complainant by means of knife.

6. There is no material presently on record to indicate any chance of false implication of the applicant by the victim / complainant. The role of the applicant is clearly stated and it is corroborated by the injury report as well as the weapon which is recovered. In these circumstances, this Court is of the opinion that the applicant has failed to make out a case for grant of bail.

7. Accordingly, the application is dismissed.

JUDGE

*MP Deshpande*