

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

**CRIMINAL BAIL APPLICATION NO. 177 OF 2020**

Rakesh Ramdhan Jadhav ...Applicant

**Versus**

The State of Maharashtra ...Respondent

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Adv.A.R. Kori, Adv. N.J. Somwanshi, Adv. Mohan Rawat,  
Adv. Nitin Pagare i/by Adv. R.G. Panchal, Advocates  
for the Applicant.

Mr. Y.M. Nakhawa, APP for Respondent-State.

Mr. Prakash Tukaram Warke, P.I., Mulund Police  
Station.

...

**CORAM : SANDEEP. K. SHINDE, J.**

**DATE : 12<sup>th</sup> FEBRUARY, 2020.**

**P.C.**

Heard.

1. Applicant is seeking enlargement on bail in Crime No. 472 of 2018 registered with Mulund Police Station for the alleged offences punishable under Section 307, 326, 324, 504, 506 r/w 34 of the Indian Penal Code, 1860 (IPC for short).

2. Heard learned counsel for the applicant and

learned APP for the State.

3. Perused the final report. Soon after the alleged incident, the applicant was arrested on 08<sup>th</sup> November, 2018. Two injured persons had narrated the incident in detail attributing a clear role to the applicant, wherein they had alleged that the applicant had inflicted knife blows on the person of injured. The corresponding injuries were noticed and found by the medical officers at Jupiter hospital who had categorized the same as 'grievous injuries'. The injuries found by the Medical Officer were described to be four grievous injuries, through sharp incision wounds including one on the spinal region.

4. Besides the Medical Officer had also certified on 07.12.2018 that the complainant had sustained the said grievous injuries and was operated upon at Jupiter Hospital.

5. Learned counsel for the applicant submitted

that the investigation is over and till date charge has not been framed. He nextly submitted that some of the injuries allegedly caused by him were not 'grievous' injuries as defined in the IPC. It is further submitted one independent eye witness has not supported the prosecution's case. Learned counsel has also relied on the judgments of the Hon'ble Apex Court in the case of **Dattaram Singh Vs. State of Uttar Pradesh and Anr.** (2018) 3 SCC 22 and in the case of **Gudikanti Narasimhulu and Others Vs. Public Prosecutor, High Court of Andhra Pradesh**<sup>1</sup> (1978) SCC (Cri.) 115.

6. I have perused both the judgments. In the first judgment it appears, the applicant was charged for commission of offence under Section 419, 420, 406 and 506 whereas the other judgment has been rendered wherein the convict was refused bail by the Appellate Court. In my view, both the judgments have no application to the facts of the case.

7. Taking into consideration, the medical evidence available on record part of the body on which blows were inflicted, the role attributed to the applicant and the statements of eye witnesses and the alleged recovery of blood stained knife on the voluntary disclosure by the applicant, I do not see any reason to release the applicant on bail at this stage. However, applicant may renew his request for enlargement on bail after November, 2020, if trial does not commence.

8. For the reasons stated, the application is rejected and disposed of.

9. It is made clear that observations made hereinabove shall be construed as an expression of opinion only for the purpose of refusal of bail and the same shall not in any way influence the trial in other proceedings.

***(SANDEEP. K. SHINDE, J.)\_***