

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.634 OF 2020

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Rohit Popat Sonawane .. Applicant
 Versus
 The State of Maharashtra .. Respondent
 ...

Mr.Kuldeep Patil a/w Mr.Prashant Hagare for the Applicant.

Mr.Suraj S. Hulke, APP for the State.

PSI Sanjay D. Dhotre, Walchand Nagar Police Station present.

CORAM: BHARATI DANGRE, J.
DATED : 17th DECEMBER, 2020

P.C:-

1. The applicant is charged with Sections 307, 452, 354-A, 143, 147, 149, 323, 504, 506 of IPC in C.R.No.82 of 2019 registered with Walchandnagar Police Station, Taluka Indapur, District Pune.

2. The complainant/injured is one Pandurang Jadhav, who is driver by occupation. He has stated that the present applicant, who is from his village, had expressed his liking towards his wife before one month and his wife had informed him about the said fact. They made him to understand not to indulge into such an act and he was aggrieved by the said conduct.

On 27th February, 2019, at around 9.30 a.m., when he was crossing the canal, it is alleged that the applicant arrived there on his motorcycle and intimidated him. Thereafter, the

complainant brought his daughter home and was waiting outside his house. At that time, eight to ten people arrived there, armed with swords and scythes. He recognised three persons amongst them and described other four to five as unknown. They entered into his house and pulled him out. It is alleged that Rohit (applicant) was instigating the people to kill the complainant and some one hit him in his back with stone. At that very time, the applicant assaulted him in his head by the scythe. Bobby is alleged to have been armed with an iron rod and the complainant resisted those people resulting into an injury on his hand. Babloo was armed with sword and he also assaulted him. It is then alleged that he was beaten by fist and blows and the applicant was instigating by shouting that the complainant should not be left alive. An attempt was also made to outrage the modesty of his wife and the applicant is alleged to have torn her blouse and started pulling her in the sugarcane field by uttering vulgar language. When the neighbours came to the rescue, the assailants ran away.

3. Corresponding with the said assertion contained in the complaint is the medico legal certificate of the complainant. The certificate from Primary Health Centre, which examined the complainant on 27th February, 2019 at 10.50 a.m., refer the following injuries :

“1.Cut-Lacerated wound of 3cm X 0.4cm on left temporo parietal skull region;

2. Cut-Lacerated wound of 4cm X 0.5cm on right post parietal region.”

Both the injuries are described as grievous injuries and have been opined to be caused by sharp weapon.

Another certificate is issued by Giriraj Hospital, Baramati where the complainant was examined at 12.30 p.m. It also mention about the two injuries plus it refers to a soft tissue swelling around right CLW and intracerebral old calcified granuloma. The first two injuries have been opined to be grievous injuries. The charge-sheet also compiles the statement of eye witnesses, who have corroborated the case of the prosecution.

4. The applicant seeks his release on bail. The allegations levelled in the complaint and the corresponding medico legal certificate fortify that the applicant assaulted the complainant with an intention to cause his death. He had knowledge that on assaulting the complainant in his head with dangerous weapon, it would cause his death. The ingredients of Section 307 of IPC being possession of knowledge and intention to cause such an injury, which is likely to cause death and the said ingredients being clearly made out by the prosecution in the charge-sheet, the applicant do not deserve his release on bail. The application is, therefore, rejected.

SMT. BHARATI DANGRE, J