

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1456 OF 2019

Vikas Balwant Chandanshive, Age 36 years,
Occ.Labourer, R/o.At Parshi,
Tal.Khanapurij, Sangli, Vita.
(Presently lodged at Prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Hrishikesh Mundargi i/by Madan Gupta for applicant.
Smt.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th February 2020

PC :

1. This is an application for bail in CR No.180 of 2018 registered with Vita Police Station, District Sangli for offences under Sections 307, 326, 506 of Indian Penal Code.

2. The applicant was arrested on 17th April 2018. The case of prosecution is that applicant while burning the grass had caused damage to the crops of deceased. There was altercation between them There used to quarrels between them. There was animosity between the injured and the applicant. The complaint was made to Tanta Mukti Samiti against applicant. Hence he had a grudge against the injured. On 14th April 2018 the injured was sitting on a bench near Samaj Mandir. AT about 8.30 am the first informant heard some commotion from the direction of Samaj Mandir. She rushed to the spot. She noticed that right wrist of her husband (injured) was cut off and he had sustained injury over left eye top

and blood was oozing out. The FIR was lodged on 14th April 2018 for the aforesaid offences.

3. During the course of investigation statements of witnesses were recorded. On completing investigation charge sheet was filed.

4. Learned counsel for applicant submitted that the applicant has been in custody for a period of about two years. There was no intention to commit murder. The incident had arisen on account of enmity. The victim is out of danger. There are no criminal antecedents against applicant. The applicant is willing to abide by any condition. He should be directed to stay out of jurisdiction of concerned police station or away from the residence of injured.

5. Learned APP submitted that the offence is of serious nature. The assault was brutal. The wrist of the victim was amputated instantly. The conduct of applicant shows that he is cruel as forceful blow was given on the wrist of injured which has resulted in amputation.

6. I have perused the documents on record. The first informant is wife of injured Chandrakant. There was previous dispute on account of burning of crop. The applicant had a grudge against injured and his family. On 14th April 2018 the applicant came with weapon and gave a blow and assaulted the complainant's husband. He also assaulted her son. It is pertinent to note that the injured was sitting near Samaj Mandir. He took the assault by surprise. The accused came all of a sudden and there was no provocation and with one blow the wrist of the injured was amputated. Not only that he again

tried to assault him, which had caused injury over eye brow of the injured. The accused/applicant had brought sickle to assault injured.

7. I have perused the statement of injured wherein he has stated that he was sitting near Samaj Mandir on a bench. The accused came suddenly and gave a blow on his wrist which resulted in amputation of his wrist. He continued to assault him. The statement of the son of complainant was also recorded. He has corroborated the incident and involvement of applicant. He was assaulted by applicant. I have also perused the injury certificate of injured Chandrakant as well as his son Amit. Although applicant is in custody for more than two years, considering the manner in which the crime is committed, there is always danger to the witnesses in the event applicant is granted bail. Hence, no case for grant of bail is made out. Criminal Bail Application No.1456 of 2019 is rejected.

(PRAKASH D. NAIK, J.)

MST