

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

CRIMINAL BAIL APPLICATION NO.586 OF 2021

Kashinath Tukaram Mulukh

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Tejas P. Hilge, Advocate for Applicant.
- Smt.Veera Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th JUNE, 2021

(Through video conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.301/2019 registered with Kothrud Police Station, Pune, under sections 307, 326 of the Indian Penal Code, under sections 4 and 25 of Indian Arms Act and under sections 37(1) and 135. The Applicant was arrested on 12/09/2019 and since then he is in custody. Investigation is carried out and the charge-sheet is filed.

2. The FIR is lodged by one Sneha Atul Pawar, who was 21 years of age. She has stated that the Applicant was residing in front of their house. There was quarrel between her mother and the Applicant about 10 years ago on some petty issue of throwing garbage. But since then, the Applicant was holding grudge against them and he used to stare angrily at the informant and her mother. On 12/09/2019, the informant and her mother were present near Ganesha Residency. At that time, he came there and suddenly assaulted the informant and her mother with sharp weapon causing grievous injuries. People nearby came for their rescue and they were taken to hospital. After this the FIR is lodged.
3. Heard Mr.Tejas P. Hilge, learned counsel for the Applicant and Smt.Veera Shinde, learned APP for the State.
4. Learned counsel for the Applicant submitted that the incident is improbable. The narration in the FIR is exaggerated. Test Identification Parade is not conducted for independent

witness to identify him. CCTV footage is not seized. Section 307 of IPC is not made out. The Applicant is in custody since a long period. The Applicant at present has a house at some different place and therefore there is no further possibility of commission of any other offence.

5. Learned APP opposed this application. She submitted that looking at the injuries, it is quite obvious that the Applicant had the intention to cause such injury, which may fall under section 307 of IPC. She submitted that on a petty issue which had taken place 10 years back, the Applicant was holding grudge for a long time. Therefore the informant and her mother are not safe if the Applicant is released on bail.

6. I have considered these submissions. With the assistance of both the learned counsel, I have perused the charge-sheet. There is direct evidence in the form of statements of the informant and her mother. Medical certificates show following injuries -:

Informant -

- (i) Right forearm – deep approx CLW 7 x 4 cms on extensor surface of forearm 3 cm proximal to wrist joint – Deep muscle and tendon injury.
- (ii) CLW approx 7 x 4 cms was 6 cm proximal to right wrist joint with muscle injury.
- (iii) Left hand – 5 x 3 cm CLW present on left forearm flexor compartment 4 cm proximal to wrist.
- (iv) Subcutaneous deep 4 X 4 cm deep CLW in web space between left thumb and index finger with muscles and cut bone exposed.
- (v) Multiple CLW on palmar aspect of right hand index middle and ring finger.

Her mother Manisha Pawar -

- (i) Deep CLW 5 x 2 x 1 cms over right parietal region
- (ii) Communitied displaced sharp fracture of right parietal bone with scalp hematoma and pneumocephalus.
- (iii) Deep CLW approx 3 x 1 cm on the medial aspect of right little finger at MCP joint, muscle deep with periosteum exposed

- (iv) CLW approx 3 x 1 cm on the medial aspect of right middle finger at MCP joint with muscle injury.

7. Thus, it can be seen that the Applicant had given repeated blows on both these helpless ladies. They had suffered grievous injuries. The mother of the victim had suffered skull fracture. Thus, the intention of the Applicant is quite clear. Offence u/s 307 is made out. The Applicant if enlarged on bail will be a constant danger to both these ladies. Therefore I do not find it safe to release the Applicant on bail. The application is rejected.

(SARANG V. KOTWAL, J.)