

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

CRIMINAL BAIL APPLICATION NO. 957 OF 2021

Sagar Prabhakar Gaikwad Applicant

Versus

The State of Maharashtra Respondent

Mr. Irvin D'souza i/b Sugangh B. Deshmukh, for the applicant.
Smt. A.A. Takalkar, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE :23rd MARCH, 2021

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No. 54 of 2020 registered at Ojhar Police Station, Nashik under sections 307 and 506 of the Indian Penal Code. The applicant was arrested on 27/05/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Irvin D'souza, learned counsel for the

applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The prosecution case is about assault committed by the present applicant on one Renuka with knife. She had suffered injuries due to the assault. The FIR is lodged by an eye witness Sonali Gaikwad, who was present on the scene and who had seen the incident.

4. Learned Counsel for the applicant submitted that there are no criminal antecedents against the applicant. The victim is now married and she has gone to reside at another place. The investigation is complete. The injuries are simple.

5. Learned APP opposed this application. She submitted that the manner in which the victim was assaulted shows dangerous nature of the applicant and he may cause more harm if he is released on bail. There is recovery of weapon from the applicant.

6. I have considered these submissions. With the assistance of learned Counsel, I have perused the entire charge-sheet and in particular. I have perused statements of victim as well as the eye witness Sonali.

7. Both, the victims and eye witness Sonali have given consistent version. On 26/4/2020, when the victim was walking towards her house, the applicant came near her. He pulled her towards grapes garden. He told the victim that he loved her. The victim told him that she was not interested and her parents had already told the applicant that he should not harass her. She categorically told him that she was not willing to marry him. On hearing this, the applicant removed a knife and gave a blow on her stomach. The applicant then gave repeated blows. The victim tried to save herself with her left hand. Therefore, there was a injury to her left thumb. The applicant gave blow on her thigh. In the meantime, the first informant Sonali came for her rescue. The applicant threatened her as well. The victim fell unconscious and was taken for treatment.

8. The injury certificate of the victim shows that she has suffered seven injuries. This shows that the applicant gave repeated blows. Though all these injuries are described as simple injuries, they were not of small dimensions. Their length was between 5 cm to 2 cm. The injuries were on thigh, back, forearm etc. Thus there was clear attempt on the part of the applicant to cause grievous injury to the victim. There are other eye witnesses namely Kartiki and Durga. They have also supported victim's case. The manner in which the incident had taken place and manner in which the applicant had assaulted the victim shows that if he is released on bail, it would be dangerous to the victim and others. In this view of the matter, I am not inclined to grant bail to the present applicant.

The application is rejected.

(SARANG V. KOTWAL, J.)