

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

BAIL APPLICATION NO.3650 OF 2021

Shivaji Sitaram Bhoir Applicant

Vs.

The State of Maharashtra Respondent

Mr. Dinesh P. Adsule for Applicant.

Mr. A.R. Kapadnis, APP for State.

PSI Deshmukh, Khadakpada Police Station, Kalyan

Coram : NITIN W. SAMBRE, J.

Date : 17TH NOVEMBER, 2021

P.C.:

1. The applicant is seeking regular bail in Crime No. **81** of 2017, registered with Khadakpada Police Station, Kalyan, for an offence punishable under Sections 307, 324, 143, 147, 148, 149 of Indian Penal Code, 4, 27 of Maharashtra Police Act and 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crimes Act.

2. The incident which has resulted into registration of aforesaid crime has occurred on 8th March, 2017, when the applicant armed with sword attacked the complainant.

3. The case of the applicant is, all other co-accused in the crime is already released on bail. According to him even proceedings under MOCA Act invoked against the applicant are discharged. He would claim that the applicant has suffered incarceration since March, 2017 i.e. for last more than 4 ½ years and he is entitled to be released on bail.

4. Learned APP opposed the prayer on the ground that the applicant is an history-sheeter and there is prima facie material against the applicant.

5. It appears that the applicant assaulted victim with sword and same came to be discovered under Section 27 of Indian Evidence Act, at the behest of the applicant.

6. The nature of injuries caused by the applicant as reflected in the statement of eye witnesses demonstrate that Sandip had sustained two incised injuries one on left forearm and another at left clavicular region. The other victim Roshan had sustained six incised injuries on the forehead, occipital region, left knee, forearm etc. The nature of weapon certified by Dr. to be a sharp weapon.

7. Apart from above, there are almost twelve criminal antecedents against the applicant.

8. In the aforesaid background, the claim put-forth by the applicant that he has suffered incarceration for about 4½ years to consider for his release will be hardly of any assistance.

9. The statement of the eye witnesses, the material available on record in the form of medical report, discovery under Section 27 of the Evidence Act etc. depicts prima facie involvement of the applicant in

a serious offence. That being so, no case fo grant of bail is made out.

Hence, the application stands rejected.

(NITIN W. SAMBRE, J.)