

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

BAIL APPLICATION NO. 2522 OF 2021

Sandesh Vilas Kadam

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Ms. Arya Sapre i/b. Kaushik Mhatre for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 24th MARCH, 2022.

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No. 955 of 2020 for offences under Section 307, 143, 144, 145, 147, 323, 326, 385, 504, 506(II) of IPC r/w. 4 & 25 of Arms Act, in the Sessions Court, Dindoshi, Mumbai.

2. Heard Ms. Sapre, learned Counsel for the Applicant and Mrs. Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the

respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Gauri Shivkumar Lingayat, the wife of the injured. The first information report reveals that the injured is running a hotel by name “Hari Om Chinese” at Kandivali. The Complainant has alleged that on 13.12.2020 at about 1.00 p.m. co-accused Rakesh had come to the hotel and had threatened her husband for not paying hafta (extortion amount), On the same night, at about 9.30 p.m. said Rakesh and the Applicant herein came to the hotel armed with sword and knife and assaulted Shivkumar- husband of the Complainant.

4. The statement of the injured also prima facie reveals that the Applicant had come to the hotel armed with deadly weapons and assaulted him for non-payment of extortion amount.

5. The evidence on record indicates that the injured was initially taken to Brihan Mumbai Mahanagar Palika Hospital. The doctor on

duty has certified that the injured had sustained 5 CLWs over parietal region. The doctor had stated that these injuries were simple in nature, caused by blunt object. It is to be noted that the injured was referred to Multi-speciality hospital. The Medical records of this hospital show that he was brought in unconscious state. He had deep cut on forehead and multiple head injuries on left parietal region, shoulder as well as on hands. The medical records indicate that he was admitted in the hospital from 14.12.2021 to 18.12.2020.

6. The records prima facie indicate that the Applicant is involved in inflicting injuries on the Complainant with deadly weapon. The fact that they had come armed with weapons and that the injuries were inflicted on vital part of the body prima facie proves the intention to cause death for non-payment of extortion amount. Moreover, the Applicant is involved in two other crimes registered at Malad Police Station.

7. Considering the nature of the accusation as well as the antecedents of the Applicant and the fact that the injured and the eye

witnesses are not yet examined, in my considered view, this is not a fit case for releasing the Applicant on bail at this stage. Hence, the Application is dismissed with liberty to the Applicant to file fresh application after the injured and eye witnesses are examined.

PRASANNA P
SALGAONKAR

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(ANUJA PRABHUDESSAI, J.)