

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

BAIL APPLICATION NO. 1871 OF 2022

Saplya @ Hanmantu Bhimsha Shinde]	
Age 40 yrs, Occ: Labourer,]	
Presently at Mohol Sub-Jail,]	
Sangola.]	Applicant/Accused.

Versus

The State of Maharashtra]	
Through Kamati Police Station,]	
District-Solapur.]	Respondent.

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Mr Tejas Hilage, Advocate for the Applicant.

Mr M. G. Patil, APP for the Respondent-State.

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CORAM : R. N. LADDHA, J.

DATE : 5 DECEMBER 2022.

P.C.:

Heard Mr Tejas Hilage, learned counsel appearing for the Applicant and Mr M.G. Patil, learned Additional Public Prosecutor appearing for the Respondent-State.

2. By this application, the Applicant is seeking bail in connection with C.R. No. 54 of 2021, dated 07.03.2021, registered at Kamati Police Station, Solapur, against the Applicant for the

offences punishable under Section 307 read with Section 34 of the Indian Penal Code, Sections 4, 25, 27 of the Arms Act and Section 37(1)(A) read with Section 135 of the Maharashtra Police Act.

3. Mr Tejas Hilage, learned counsel appearing on behalf of the Applicant, submitted that the Applicant was arrested on 19.08.2020, and since then he is behind bars. The Sessions Court rejected the application for bail filed by the Applicant. It is submitted that there is no flight risk as Applicant undertakes to face trial. It is submitted that the investigation is completed, and the charge sheet has been filed. Therefore, the custodial interrogation of the Applicant is not warranted. It is submitted that there is a delay in filing FIR. It is submitted that the weapon was recovered from a public open space. It is submitted that no overt act is attributed to the Applicant.

4. Mr M.G. Patil, learned Additional Public Prosecutor appearing for the State, submitted that the offence is serious in nature. It is submitted that the weapon used in the crime was seized at the instance of the Applicant. It is submitted that the Applicant is the main accused person who had stabbed the informant in his stomach. It is submitted that the other co-accused persons beat the informant with a fist and kick blows. He submitted that the Applicant has criminal antecedents.

5. This Court has perused the copy of the charge sheet filed along with the accompanying documents. A perusal of the complaint leading to the registration of FIR, shows that the Applicant is named as one of the assailants, and a specific role is attributed to him. The medical certificate on record shows that the informant had sustained stabbed injury, which is grievous in nature and dangerous to life. It also appears that several serious offences were registered against the Applicant. The Applicant and the prosecution witnesses are residing in the same locality. The weapon used in the crime was seized at the behest of the Applicant. The recovery made from the Applicant, in the present case, although, claimed to be innocuous, but in the backdrop of other material on record, including the statement of the eye-witnesses, it appears that there are sufficient material to connect the Applicant with the incident in question. The learned Additional Public Prosecutor, is justified in inviting the attention of this Court to the criminal record of the Applicant narrated in the order of the learned Sessions Judge dated 30.04.2022. There is, thus, *prima-facie* material to show the involvement of the Applicant in the commission of the crime.

6. In view of the above, this Court is of the opinion that, looking to the seriousness of the offence and the gruesome manner

in which the informant was assaulted, the Applicant cannot be granted bail. Needless to say that the observations made in this order are limited to the question of grant of bail to the Applicant. Hence the following order :

ORDER

The Application stands dismissed.

[R. N. LADDHA, J.]

BIPIN
DHARMENDER
PRITHIANI

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Date: 2022.12.06 19:55:00
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