

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

**INTERIM APPLICATION NO.2907 OF 2022
IN
CRIMINAL APPEAL NO.778 OF 2022**

Vikram @ Pappu Rupchand Tasambad Applicant

versus

State of Maharashtra & Anr. Respondents

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- Ms. Angela Singha a/w S.T. Pandey a/w Arvind Singh a/w Anima Misra a/w Kajal Upadhyay a/w Ritu Singh a/w Anuj Singh i/b. SBG Law, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 18th NOVEMBER, 2022**

P.C. :

1. This is an application for bail pending Appeal. The Applicant and other two accused were convicted for offence punishable u/s 307 r/w 34 of the Indian Penal Code and were sentenced to suffer rigorous imprisonment for 10 years and to pay fine of Rs.10,000/- each, and in default of payment of fine to suffer simple imprisonment for six months.

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2. The prosecution case is that on 17/11/2018 because of the previous enmity all three accused including the present Appellant assaulted the injured Suresh Dalod and his son Siddharth Dalod. Initially three accused started assaulting Suresh, who is examined as P.W.3. He has deposed that the Appellant had assaulted him with chopper. The co-accused Pintu Tasambad assaulted him with wooden stick and other accused Sonu @ Sandesh Salve assaulted him with fighter. Suresh's son Siddharth who is examined as P.W.1 and nephew Saurabh who is examined as P.W.2 rushed to his rescue. The Appellant also gave blow of knife of the back of P.W.1 Siddharth. P.W.1 Siddharth lodged his FIR. The investigation was carried out. Siddharth and Suresh both were admitted to the hospital. The Applicant was arrested on 18/11/2018 itself and since then he is in custody. He was not on bail during trial.

3. Heard Ms. Angela Singha, learned counsel for the Applicant and Mr. S. R. Agarkar, learned APP for the State.

4. Learned counsel for the Applicant submitted that there are contrary versions about the witness. There are important contradictions in the evidence of injured Suresh himself. The Applicant deserves to be released on bail because he is in custody since 2018.
5. Learned APP as well as learned counsel for injured Suresh opposed this application. They relied on the evidence of the injured himself.
6. I have considered these submissions. Evidence of injured witnesses is clear enough. They are supporting each other. They are supported by evidence of PW.7 Dr. Bipin Palghadmal. He has deposed that Suresh Dalod had suffered stab injury over right lumbar region and there was perforation of small intestine at three places. There was mesenteric artery perforation of 5 x 5 cm and there was collection of blood in cavity.

Siddharth Dalod had suffered stab injury on the right side of chest on back of size 2 x 1 x 2 cms. On x-ray right pneumothorax was seen. There was blunt trauma on head 1 x 1 cm.

7. These injuries are quite serious and life threatening. The evidence is given by the injured themselves. Therefore considering the gravity of the offence and quality of the evidence, no case for grant of bail is made out. The application is rejected.
8. However since the Applicant is in custody since the year 2018, hearing of the Appeal is expedited.

(SARANG V. KOTWAL, J.)