

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

**INTERIM APPLICATION NO. 4071 OF 2022
IN
CRIMINAL APPEAL (ST) NO. 16468 OF 2022**

Aakash @ Sandeep Dineshkumar Pande ..Applicant.
Versus
The State of Maharashtra ..Respondent

Mr. Dushyant Purekar a/w. Sharvari Joshi for Applicant.
Mr. S. R. Agarkar, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th DECEMBER 2022**

PC :

1. This is an application for bail pending final disposal of Criminal Appeal preferred by the applicant challenging the Judgment and order dated 19/05/2022 passed by learned Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay in Sessions Case No.714 of 2017.

2. The Applicant was convicted for commission of offences punishable under sections 307 and 309 of the I.P.C. The major punishment imposed on him was R.I. for 10 years and fine of Rs.10000/- and in default of payment of fine R.I. for 2 months for

commission of offence U/s.307 of the I.P.C. For the other offense, he was sentenced to suffer R.I. for 1 year and fine of Rs.5000/- and in default of payment of fine to suffer R.I. for 1 months. Both the sentences were directed to run concurrently. The Applicant was given set off U/s.428 of the Cr.p.c.

3. The prosecution case is that the applicant was neighbour of the victim. On 27/06/2017, at about 11.00a.m. he entered the house of the victim holding a knife in his hand and stabbed the victim. The mother of the applicant, as well as, mother of the victim rushed there. Other neighbours also came there. In the meantime, the applicant inflicted blow of knife on himself. One of the neighbours was successful in removing the knife from his hand. The victim was taken to hospital. Thereafter the F.I.R. was lodged. The investigation was conducted. The applicant was arrested.

4. Learned counsel for the applicant submitted that, there are contrary versions given by mother of the victim, as well as, mother of the applicant. None of the neighbours had actually seen

the incident. The applicant is already in custody for more than 5 years. The applicant did not have any antecedents. The defence of the applicant was that, because of their breakup, the victim herself inflicted that wound on her own abdomen.

5. Learned APP opposed this application. He relies on the discussion of evidence of the victim, as well as, of the Medical Officer in the Judgment.

6. I have considered these submissions. The victim was examined as PW-2. She has narrated the incident in detail. The medical evidence shows that, she had suffered following four injuries:

- i) Laceration below umbilicus measuring 1' x 1' and depth of 8-11 cm sickle shaped deep wound.
- ii) Gross hemoperitoneum and Faeces contamination.
- iii) Lacerated torn Ascending colon.
- iv) Bleeding vessels adjacent to perforation site.

7. She was on ventilator for about 2 days. These are very serious injuries and the offence is also quite serious. I do not find it safe to grant bail to the applicant in the background of the facts of

this case. There is sufficient evidence against the applicant. His release on bail is quite dangerous for the victim. Considering all these aspects, no case for grant of bail pending final disposal of appeal is made out.

8. The Application is rejected.

(SARANG V. KOTWAL, J.)