

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

**INTERIM APPLICATION NO.42 OF 2023
IN
CRIMINAL APPEAL [STAMP] NO.133 OF 2023**

Popat Shankar Ghule Applicant
Versus
The State of Maharashtra Respondent

Mr. Saurabh Butala, Advocate i/b. Siddharth A. Mehta, for
the Applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 13th FEBRUARY, 2023

P.C. :

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1. This is an application for bail pending the
applicant's appeal.

2. The applicant was convicted by the Additional
Sessions Judge, Pune vide judgment and order dated
25.4.2022 passed in Sessions Case No.662/2017.

3. Heard Shri Saurabh Butala, learned counsel for
the applicant and Shri S.R. Agarkar, learned APP for the

respondent-State.

4. The prosecution case is that the applicant assaulted his own wife with a grinding-stone causing serious injuries.

5. Learned counsel for the applicant submitted that the judgment itself shows that the applicant was in custody from 23.5.2017 till 28.5.2021; and thereafter from 25.4.2022 till today. Thus, he has completed about five years sentence out of total seven years. He submitted that the case is false and the offence under Section 307 of IPC is not made out.

6. Learned APP opposed this application. He submitted that the offence is very serious.

7. I have considered these submissions and I have perused the evidence of the victim Sunanda who is examined as PW-2 and her daughter Poonam examined as PW-1. The incident occurred on 22.5.2017. In the early hours of the morning, the victim woke up as something heavy fell on her head. When she opened her eyes, she saw the appellant's

face. He again hit her with something on her head. She became unconscious. She regained consciousness after ten days.

8. PW-1 Poonam was sleeping in the next bedroom. At about 4.45 a.m. she heard some sound. She went in the next bedroom and saw that the appellant hit the victim with a grinding stone.

9. Thus, there are strong circumstances against the applicant. The injuries suffered by the victim (PW-2) are noted in paragraphs-25 and 29. Her left little finger had to be amputated. There was Frontal Subarachnoid Hemorrhage.

10. PW-1 Poonam was also assaulted by the applicant. The injuries suffered by PW-1 Poonam are recorded in paragraph-32 of the judgment.

11. Thus, at this stage there is strong evidence against the applicant. Therefore, bail cannot be granted to him. However, considering that the applicant has spent a considerable period in jail out of seven years sentence

imposed on him, the appeal is required to be decided at the earliest. Hence, the following order :

:: O R D E R ::

- i. The application is rejected.
- ii. The appeal is directed to be listed on the weekly final hearing board commencing from 20.3.2023, high on board.

(SARANG V. KOTWAL, J.)

Deshmane (PS)