

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

**INTERIM APPLICATION NO.4115 OF 2023
IN
CRIMINAL APPEAL NO.1339 OF 2023**

Bajirao Bhagvat Jagtap Applicant

versus

The State of Maharashtra Respondent

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- Mr. Pawan Mali, appointed Advocate for Applicant.
- Mr. Prashant P. Jadhav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 02nd JULY, 2024**

P.C. :

1. The Applicant is seeking bail pending his Appeal. The Applicant was the accused in Sessions Case No.97/2019 before the Additional Sessions Judge, Karad. The learned Judge vide his Judgment and Order dated 09/02/2023 convicted the Appellant u/s 307 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for 7 years and to pay a fine of Rs.1,000/- and in default of payment of fine to suffer simple imprisonment for three months.

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2. Heard Mr. Pawan Mali, learned counsel for the Applicant and Mr. Prashant P. Jadhav, learned APP for the State.
3. Learned counsel for the Applicant submitted that the Applicant was on bail during trial. Intermittently, he was arrested and as of today he has spent 2 years and 4 months in custody out of the 7 years. He therefore submitted that the Applicant be released on bail. According to him, no weapon was used by the Applicant. Therefore, offence u/s 307 of the Indian Penal Code is not proved.
4. Learned APP opposed these submissions based on the deposition of the eyewitness and the Medical Officers.
5. I have considered these submissions. The prosecution case is that there was some dispute about the management of a 'Dindi' at Marutibuva Karadkar Math, Karad. The injured in this case Yashwant Mane was the president. On 23/04/2019, the Applicant came near him. He picked up a musical instrument Veena and gave a blow of it on the head of Yashwant by saying

that he would not be left alive. Veena broke into pieces. Yashwant suffered head injury. He was taken to the hospital. The offence was registered. The Applicant was arrested. He faced the trial.

6. During trial the prosecution examined 11 witnesses including eyewitness Mohan Chavan and the Medical Officers.
7. Eyewitness P.W.5 Mohan Chavan described the incident and the role played by the Applicant. The Medical Officer P.W.8 Dr. Suchita Gokhale and P.W.9 Dr. Asif Yusuf Inamdar, have described the injuries. There were 6 fractures on the skull. The injured was treated in the ICU for about 12 to 13 days.
8. Considering this evidence, it is quite clear that the offence u/s 307 of IPC is made out. The role of the Applicant is deposed by the P.W.5 the eyewitness. The offence is serious. There is strong evidence against the Applicant. No case for grant of bail pending Appeal is made out. The application is rejected.

(SARANG V. KOTWAL, J.)