

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO. 1936 OF 2024**

|                          |               |
|--------------------------|---------------|
| Satish Suryakant Dhuri   | ...Applicant  |
| vs.                      |               |
| The State of Maharashtra | ...Respondent |

Mr. Ganesh Jadhav, for the Applicant.  
Mr. S. R. Agarkar, APP, for Respondent-State.  
Mr. Sharad Jadhav, PI, Dadar Police Station.

**CORAM : N. J. JAMADAR, J.**  
**DATE : 3rd May, 2024**

**P.C.:**

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1. Heard learned Counsel for the applicant and learned APP for the State.
2. The applicant, who is arraigned in C. R. No. 156 of 2014 for the offences under Section 307 and 504 of Indian Penal Code, 1860, has preferred this application to enlarge him on bail.
3. The first informant is the daughter of the applicant. She lodged the report with the allegations that the applicant had given in to the vice of consuming liquor. On 5th April 2024, the applicant returned to his home at about 01.00 pm., under the influence of liquor. When the first informant questioned the applicant as to why he had consumed the liquor, the applicant started to abuse the first informant and picked up a kitchen knife and stabbed her in the stomach. Her neighbors Maria and Joseph took her to KEM hospital
4. The injury certificate by Dr. J. A. Gandhi Unit, Department of

General Surgery, Seth G. S. Medical College and KEM Hospital, Parel, Mumbai indicates that the first informant was admitted in the hospital with history of stab injury by the applicant. It indicates that the first informant had sustained a 3x2 C.M. wound over epigastrium.

5. Prima facie, the allegations in the FIR find support in the injury certificate. The matter is still under the investigation. The learned Counsel for the applicant submitted that there was no intention to cause the death of the first informant and the alleged act of stabbing was not carried out with the intent to commit murder of the first informant. Thus, the offence would not fall within the dragnet of Section 307 of the IPC.

6. Suffice to note, to make out an offence punishable under Section 307, injury is not necessary. In the case at hand, there is material indicate that the first informant had sustained a stab injury on her stomach. The first informant has narrated the history of assault by means of knife by the applicant before the medical officer. Prima facie all the ingredients to make out, an offence under Section 307 of the Penal Code, appear to be present.

7. Meanwhile the matter is still under investigation. Thus, the applicant does not deserve the exercise of discretion.

8. Hence, the bail application stands rejected.

9. However, since the application is preferred before completion of investigation, in the event the charge sheet is filed, the applicant shall be at liberty to file a fresh application before the Court of Sessions and, in that event the Court of Sessions shall decide the same on its own merits and in accordance with law

(N. J. JAMADAR, J.)