

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2618 OF 2024**

Datta Vishnu Salvi	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Himanshu S. Shinde for applicant.

Mr. Balraj B. Kulkarni, APP for respondent-State.

Mr. M. B. Gaikwad, PSI, Shivaji Nagar Police Station, District Thane City.

CORAM : MANISH PITALE, J.

DATE : 06th AUGUST, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is seeking bail as he was arrested on 03.10.2023 in connection with FIR No.0457 of 2023 dated 01.10.2023 registered at Shivaji Nagar Police Station, District Thane City for offences under Section 307 of the Indian Penal Code, 1860 (IPC) and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

3. As per the statement of the informant, his neighbour i.e. the applicant accused, on 30.09.2023, assaulted him by means of a knife causing injury on his neck and while the informant was averting further blows, injuries were caused by means of knife on his thumb. In the statement itself, the informant gave details of the background in which the incident had occurred.

4. The learned counsel for the applicant submits that even if the description of the incident is to be accepted, considering the nature of injury suffered by the informant, it cannot be said that even a *prima facie* case is made out for offence under Section 307 of the IPC. It is submitted that in far

more serious cases, where severe injuries have been caused, this Court has granted bail to the accused persons. Reference was made to the injury certificate, in order to assert that minor injuries were caused to informant victim and therefore, a *prima facie* case is made out in favour of the applicant. It is submitted that the investigation is completed, chargesheet has been filed and therefore, no purpose would be served by keeping the applicant behind bars.

5. On the other hand, the learned APP submits that the use of knife and injury on vital part of the body of informant indicates the intention of applicant. It is submitted that the background of disputes between the parties is stated in the FIR itself and that in view of the material on record, the bail application deserves to be dismissed.

6. This Court has perused the material on record in the light of the rival submissions. The statement of informant clearly describes the manner in which assault was carried out by applicant. The informant has clearly stated that applicant is a neighbour and therefore, the identity of individual is not seriously in dispute. It is also stated by the informant that about two months prior to the incident, there was some altercation between the parties and that may have led to the incident in question. The names of individuals in the neighbourhood, who were either present at the time of the incident or reached there soon after the commotion occurred, are stated by the informant.

7. This Court has perused the statement of one such eye-witness Surekha Nikam, who has been specifically named in the statement of informant, leading to registration of FIR. The said witness has also stated that when she came out upon hearing the commotion, she found that the informant-victim was lying on the ground and that she had seen the applicant assaulting the

informant by means of knife. The other eye-witnesses have also stated as to how they saw the informant with the victim on the date and time of the incident and the fact that the informant suffered knife injury on his neck.

8. A perusal of the injury certificate shows that the neck of the informant just above the jugular vein had suffered injury. There was also an injury on the thumb of the informant.

9. This Court is of the opinion that merely because the injury suffered by the informant on his neck was not a deep cut, the same cannot inure to the benefit of applicant. The use of dangerous weapon like knife and the apparent unprovoked attack, *prima facie* indicates the intention of the applicant. There is also a background of quarrel between the parties, leading to the incident in question. Hence, no case is made out for enlarging the applicant on bail.

10. This Court finds that alongwith the chargesheet, the investigating authority has given a list of only 17 witnesses to be examined during the course of trial. In practical terms, all the cited witnesses are not examined, thereby indicating that the number of witnesses to be eventually examined would be fewer. In that light, appropriate directions can be issued for expeditiously completing the trial.

11. In view of the above, the application is dismissed. However, the concerned Court is directed to proceed expeditiously in the matter and to complete the trial in any case within one year from today.

12. If the trial is not completed in the stipulated period of time and the delay is not attributable to the applicant, liberty is reserved for the applicant to renew his prayer for bail.

(MANISH PITALE, J)