

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

BAIL APPLICATION NO. 2700 OF 2024

Sanjay Prahlad Bayas	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Sunny Waskar a/w Harshada Morey i/by Dilip Gupta for the Applicant.

Mr. Kiran C. Shinde, APP for Respondent-State.

Ms. Suvidha Pulellu, API, Dindoshi Police Station.

**CORAM: MANISH PITALE, J.
DATE : 2nd SEPTEMBER 2024**

P.C. :

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

2. The applicant has approached this Court for bail as he was arrested on 16th January 2024 in connection with FIR No. 0042 of 2024 dated 15th January 2024 registered at Dindoshi Police Station, Birhanmumbai, for offences under Section 307 and 506 of the Indian Penal Code, 1860 (IPC).

3. The FIR was registered on the statement of the injured victim, a 19 years old woman, who has alleged that the applicant being her neighbour, confronted her and assaulted her on 15th January 2024 at about 1:00 p.m. by means of a sharp blade, causing injury to her neck. It is alleged that the applicant

threatened her prior to causing the aforesaid injury. It is also stated by the injured victim that prior to the incident, the applicant had expressed his interest and love for the victim, although, she was not interested.

4. The learned counsel for the applicant submits that in the present case, there are number of discrepancies, evident from the material brought on record by the Investigating Authority. It is submitted that the injury certificate itself shows only contused lacerated wound on the side of lower neck, which is classified as a simple injury. This falsifies the assertion made by the injured victim about the intention of the applicant to cause her death. It is further submitted that the statements of witnesses on record do not support the version of the informant, as two of the witnesses who claim to be neighbours do not identify the applicant and the parents of the injured victim, who are themselves interested persons have identified the applicant, even though, the informant i.e. the injured victim never claimed that they were present at the time of the incident. It is also brought to the notice of this Court that the name of the victim is different in different documents, which also raises serious doubt about the veracity of the injury certificate itself. It is further submitted that the applicant is not having any criminal antecedents and therefore, this Court may consider enlarging the applicant on bail.

5. On the other hand, the learned APP vehemently opposed the present application and he relied upon the statement of the

witnesses and specifically, on the statement of the informant, leading to registration of the FIR. It is submitted that the supplementary statement of the victim clearly shows that she is known by two names, one of which is mentioned in the injury certificate and some of the other documents. It is submitted that the contentions raised on behalf of the applicant are a matter for trial. It is further submitted that the weapon of assault was recovered from the spot of the incident and the doubt sought to be raised on behalf of the applicant that the recovery was at the behest of the informant, cannot be considered at this stage.

6. This Court has considered the rival submissions in the light of the material on record. The description of the incident by the injured victim i.e. the first informant is graphic. She has described as to the manner in which the applicant assaulted her in the backdrop of he having expressed his interest and love to the informant, which she appears to have repulsed. The description of the incident does match with the corresponding injury found on the neck of the informant. Merely because the injury was simple cannot be a ground for the applicant to claim relief. It is settled law that Section 307 of the IPC can be invoked even in cases where the victim has not suffered injuries, as long as, the circumstances indicate an intention on the part of the accused to cause the death of the victim. The aspect of the name of the informant being different on the injury certificate, at this stage, has to be appreciated in the backdrop of the supplementary statement

of the informant. Such a contention is necessarily required to be considered at the stage of trial.

7. At this stage, there does not appear to be any substance in the contention raised on behalf of the applicant with regard to the assertion that the neighbours, who claimed to be witnesses, ought to have named the applicant, as they have simply stated that a person whom they can identify, carried out the aforesaid assault. The question of the veracity of the statements of the parents of the informant being interested witnesses, will also have to be tested at trial. Merely because they happen to be the parents of the victim i.e. the informant cannot at this stage, inure to the benefit of the applicant.

8. As regards the recovery of the weapon of assault i.e. the sharp blade, it is found that the same was recovered from the spot of the incident. According to the applicant, it was at the behest of the informant, but that in itself cannot be a ground for seeking bail in the facts and circumstances of the present case.

9. This is a case where a serious allegation of violent assault on the informant is made in the backdrop of the allegation that she had rejected advances made by the applicant, who is said to be her neighbour. Such cases of young men inflicting violence on women, who do not give positive response to their advances, cannot be treated lightly and therefore, considering the over all facts and circumstances of the present case, this Court is not inclined to

allow the present application.

10. In view of the above, the application is dismissed.

11. However, the charge-sheet shows that the prosecution intends to examine ten witnesses. In such circumstances, the concerned Court should be able to complete the trial in an expeditious manner. Therefore, the concerned Court is directed to complete the trial as expeditiously as possible and preferably within one year from today.

12. If the trial is not completed within the aforesaid 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.