

AGK

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

BAIL APPLICATION NO.4370 OF 2024

Suraj Pandu Dhangda	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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GANESH
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Mr. Rajas Naik for the applicant.

Mrs. Rajashree V. Newton, APP for the respondent-State.

Mr. Vilas N. Kothe, PSI, Kasa Police Station, District Palghar is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 22, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), the applicant is seeking his release on regular bail in connection with Crime Register No.246 of 2022 registered with Kasa Police Station, District Palghar, for offences punishable under Section 307 of the Indian Penal Code, 1860 (for short, "IPC").

2. The prosecution case, in brief, is that the complainant's daughter, namely, Poonam Pintiya Bhomate, used to go for running every morning as part of her daily routine. On 29th December 2023, she left her house at around 6.00 a.m. for the said purpose. At about 6.15 a.m., one of the villagers informed the complainant that his daughter had been assaulted, was bleeding, and had

collapsed on the road. The complainant and his wife immediately rushed to the spot and found their daughter lying grievously injured with wounds on her face and hand. She was immediately shifted to the Sub-District Hospital and later referred to Shri Vinoba Bhave Civil Hospital, Silvassa. On regaining consciousness, the victim disclosed to the complainant that the present applicant had assaulted her with the intention to kill her, as she had refused the marriage proposal made by him.

3. Learned counsel for the applicant contended that the investigation is already complete and the charge-sheet has been filed. Therefore, the further custodial detention of the applicant is not warranted. It is submitted that the entire prosecution case rests upon the allegation that the victim refused the marriage proposal of the applicant. He submitted that the alleged eye-witness accounts are inconsistent with the statement of the victim. The applicant has been in custody since 3rd January 2023. Considering the period of incarceration already undergone, the applicant prays for his release on bail.

4. Per contra, learned Additional Public Prosecutor opposed the application. She submitted that the victim, an 18-year-old girl, had no relationship whatsoever with the applicant. Despite this, the applicant continuously harassed her insisting on marriage. The victim had aspirations of preparing for competitive examinations and had refused the advances of the applicant. On the day of the incident, the applicant is alleged to have deliberately come to the spot armed with a knife and launched a brutal assault on the victim without any provocation. The attack was directed at vital

parts of the body, including the head and hand, which resulted in grievous injuries, including the severing of the victim's thumb, and caused her to lose consciousness.

5. The learned APP further placed reliance upon the injury certificate which records the following injuries on the person of the victim:

- (i) CLW 4 x 2 x bony deep;
- (ii) CLW 10 x 4 muscle deep;
- (iii) CLW 20 x 5 x 4 cm;
- (iv) CLW 4 x 1 x 0.5 cm;
- (v) CLW 2 x 1 x 0.5 cm;
- (vi) CLW 1 x 0.5 x 0.5 cm; and
- (vii) CLW 2 x 1 x 0.5 cm.

6. It is contended that the nature, location, and extent of these injuries clearly indicate that the applicant acted with the intention to cause the death of the victim, motivated by one-sided love and rejection of his marriage proposal. Given the brutality of the act and the seriousness of the offence under Section 307 of the IPC, it is argued that the applicant does not deserve the concession of bail. The learned APP, therefore, prayed for rejection of the application.

7. I have considered the rival submissions and perused the material on record. The fact that the victim, a young girl of 18 years, was brutally assaulted in broad daylight is not in dispute. The medical papers disclose multiple grievous injuries on her vital parts. The prosecution case, prima facie, shows that the applicant

approached the victim with a knife and caused serious injuries only because she had refused his marriage proposal.

8. At this stage, the Court is not expected to conduct a mini-trial. The Court has to consider the seriousness of the accusation, the nature of the evidence collected, and the possibility of the accused tampering with witnesses or influencing the course of trial. The offence alleged against the applicant falls under Section 307 of the IPC, which is punishable with imprisonment for life. The manner in which the assault was carried out — on the head and hand of the victim, resulting in amputation of the thumb — prima facie reveals intention to cause death.

9. The Supreme Court in *State of U.P. v. Amarmani Tripathi* [(2005) 8 SCC 21] has held that while considering bail, the Court has to keep in mind factors such as: (i) nature and gravity of the offence; (ii) severity of punishment in the event of conviction; (iii) reasonable apprehension of tampering with witnesses; and (iv) prima facie satisfaction regarding involvement of the accused. Similarly, in *Kalyan Chandra Sarkar v. Rajesh Ranjan* [(2004) 7 SCC 528], it has been emphasized that where the offence is of a grave nature and strong prima facie material is available, bail cannot be granted merely because charge-sheet is filed.

10. Applying these principles, I find that the injuries suffered by the victim are not only serious but also life-threatening in nature. The allegation that the applicant, driven by one-sided love, attempted to take the life of a young girl aspiring for her career, makes the act more heinous. The possibility of the applicant

influencing the victim or creating a sense of fear in her mind cannot be ruled out if he is released on bail. The mere fact that the charge-sheet is filed does not dilute the seriousness of the offence nor does it reduce the gravity of the act committed.

11. In the facts of the present case, the applicant does not deserve the discretionary relief of bail. The application, therefore, stands rejected.

12. Accordingly, the bail application stands rejected.

(AMIT BORKAR, J.)