

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1448 OF 2025

Balkrishna Desai .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Dr. Uday P. Warunjikar a/w. Ms. Sonali R. Chavan, Advocates for Applicant.
 - Mr. Balraj B. Kulkarni, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 09, 2025

P.C.:

1. Heard Dr. Warunjikar, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent.

2. At the outset, Dr. Warunjikar would also persuade the Court to allow the Court to permit him to implead the First Informant as party in the Application in view of the fact that First Informant has filed three specific Affidavits in the interregnum for supporting the case of Applicant for quashing or to put an end to the matter. Leave to implead First Informant stands allowed. Let the amendment be carried out forthwith. Re-verification stands dispensed with.

3. Hence issue notice to newly impleaded Respondent No.2. Humdast permitted. In addition to Court's notice, Applicant is directed to serve a copy of this order and copy of the Application on Respondent No.2 and inform Respondent No.2 about the next date of

hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

4. Mr. Kulkarni, learned APP waives service on behalf of Respondent No.1 – State of Maharashtra.

5. Dr. Warunjikar would also persuade the Court to permit Advocate for Applicant to annex the charge-sheet which has been filed in the interregnum to be appended to the Application for consideration of bail. Amendment as requested is allowed. Let the amendment be carried out within a period of two weeks from today. Re-verification stands dispensed with.

6. Applicant is indicted for offence punishable under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023 for having attempted incident of assault on the friend of his wife. He is incarcerated since 19.01.2025.

7. Dr. Warunjikar would persuade the Court to consider that parties had approached the Division Bench for quashing of the Criminal case but he would fairly inform that the Court was of the opinion that it would be not be an appropriate case for quashing and directed the Applicant to approach the Trial Court.

8. He would fairly submit that the weapon used in the assault was an iron rod leading to one grievous injury, a fracture in the skull

alongwith a contused lacerated wound as emanating from the injury certificate appended to the Application. He would persuade the Court to consider the circumstance of the victim himself filing an Affidavit to the effect that the incident which occurred was probably out of a misunderstanding between the parties.

9. Learned APP shall consider the above as also veracity of the submissions made by Dr. Warunjikar and ascertain the same from the record of the prosecution case and accordingly apprise the Court on the next adjourned date to enable the Court to consider the Application of Applicant for grant of bail.

10. Stand over to **18th June, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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