

Nikita

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

BAIL APPLICATION NO.3012 OF 2025

Anil Dnyaneshwar Tandale

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Aniket Vagal a/w Ms. Savvy Kolhekar a/w Juhi Kadu a/w Mr. Kunal Pednekar for the Applicant.

Mr. T. G. Khan, APP for the State.

Mr. Kailas S. Jadhav, I. O. Panchavati Police Station, Nashik.

CORAM : ASHWIN D. BHOBE, J.

DATED : 1st AUGUST, 2025

P.C.:

1. Heard Mr. Aniket Vagal learned Advocate for the Applicant and Mr. T. G. Khan, learned APP for the State.
2. Applicant who is accused of committing offences punishable under Sections 109, (1), 352, 351(2), (3), of BNS and Section of 135 of the Mumbai Police Act, is before this Court, by the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking bail.
3. C. R. No.70 of 2025 is registered with Panchavati Police Station, Nashik, on the basis of complaint lodged by Kanchan Ramesh Jadhav (Informant). Case of the prosecution is that the

informant had a love affair with the Applicant, however Applicant got married to some other person, resulting in the Informant severing her relationship with the Applicant. On 06.02.2025, at 6.15 am, while the informant was in front of her house, Applicant came there and questioned the Informant, the reason for breaking their love relationship. Applicant who was very aggressive in his behaviour, abused the informant with filthy language and assaulted the informant on her face with a sharp-edged weapon.

4. Said crime is registered as Sessions Case No.251 of 2025, and is pending before the Court of the Additional Sessions Judge, Nashik.

5. Applicant was arrested on 06.02.2025, since then he is in jail. Bail Application at Exhibit-4 filed by the Applicant in Sessions Case No.251 of 2025 was rejected by the Additional Sessions Judge, Nashik on 02.07.2025.

6. Mr. Aniket Vagal, learned Advocate for the Applicant submits that though initially the Applicant and the Informant were in love relationship, due to some circumstances there was a break in the said relationship. He submits that though, the Informant in her statement to the Police, stated that she was assaulted by the Applicant, however she did not make reference to the weapon used by the Applicant. He submits that the injury caused to the Applicant is on account of single blow, which would show that the Applicant had no intention to cause death by the act of assault. He submits that the injury caused on account of the assault is not life-threatening. He submits that the issue of intention and / or

whether the offence would classify to be under Section 109 or 115 (2) of the B.N.S., would be a matter of trial. He submits that the investigation is complete and charge-sheet is filed, as such, according to him no purpose would be served by keeping the Applicant in jail.

7. Mr. T. G. Khan, learned APP for the State, submits that the Applicant was armed with the weapon (i.e. sickle) when he arrived at the place of residence of the Informant. He submits that the manner in which the Applicant has used the sickle, to assault the Informant i.e. on a vital part, face of the Informant, is sufficient indication of the Applicant having intention and knowledge that the said assault would result in the death of the informant. He clarifies by submitting that the Applicant was not only aware but fully conscious that the weapon used by him to assault the Informant would result in a serious life-threatening injury on the informant. He submits that the material on record establishes the offence against the Applicant. He submits that Informant has more than reasonable apprehension of the Applicant repeating the offence. He therefore opposes the bail.

8. Perused the records with the assistance of the learned Advocate for the parties.

9. Records reveal that the assault on the Informant, at the hands of the Applicant, is on the vital part of the body i.e. face of the Informant. Face is a crucial part of the human body, being a prominent feature that contributes to the identity, appearance and self-esteem of a human body.

10. Weapon used by the Applicant is a sickle i.e. a sharp-edged weapon.

11. Injury certificate of the Informant reveals that the injury sustained by the Applicant is large Contusion Lacerated wound over right cheek and chin crossing midline extending towards left side involving lower lip horizontally causing full thickness through cut with sharp edge of the wound lower lip defected gingivo labial sulcus and underline mandible exposed around 15 x 8 x 3 cm. Informant in her statement recorded under Section 183 of BNS, in addition to narrating the entire incident, has stated that Applicant at the time of assault uttered the following words "तू माझी नाही तर त्याची पण नाही".

12. Considering the manner in which the sickle was used on the face of the Informant read with the utterances of the Applicant, at the time of the assault, *prima facie*, proves the ingredients of the offences charged against the Applicant. Material on record and the injury caused to the Informant, supports the case of the prosecution.

13. Contention of Mr. Aniket Vagal, that the injury caused to the Applicant is not life-threatening and /or that no purpose would be served by continuing the custody of the Applicant, in the facts and circumstances of the present case is liable to be rejected. Injury certificate records that the injury caused to the Informant would result in permanent disfigurement of her face. Human face is central to one's identity. Facial disfigurement seriously affects the marital prospects. Informant is 20 years old. Injuries caused to the Informant in the incident would awaken poignant memories for

the victim.

14. Considering the gravity of the allegations, the material indicating Applicant's role in the crime and the apprehension expressed by the prosecution of the Applicant repeating the act, no case is made out for bail.

15. Bail Application No.3012 of 2025 is dismissed.

(ASHWIN D. BHOBE. J.)