

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE – CRIMINAL  
BAIL APPLICATION NO.2375 OF 2014

Bala Fhulchand Chavan                      .... Applicant  
Vs.  
The State of Maharashtra                      .... Respondent

Mr. Satyavrat Joshi for the Applicant.  
Ms A.A. Mane, APP, for the Respondent-  
State.

**CORAM:** P.D. KODE, J.

**DATED:** DECEMBER 23, 2014

**P.C:**

1.            The prayer for bail made by accused No.2 in the charge-sheet submitted by Yerwada Police Station, Pune in Crime No.105 of 2014 (Sessions Case No.419 of 2014) for offences under Section 307 r/w Section 120B of the IPC and Section 3(25) of the Arms Act is objected by the learned APP on the ground that firearm was used in the incident in question. It is

submitted that merely because the victim survived, does not lower down the gravity of the act committed by the main assailant. It is urged that there is every danger of the prosecution evidence getting tampered in the event of release of the applicant on bail.

2. Mr. Satyavrat Joshi, learned counsel for the applicant, has pressed the prayer for bail on the count that the offences for which the applicant is charge-sheeted are not exclusively punishable with imprisonment for life. It is urged that even the role allegedly played by the applicant is not of firing at the victim but having taken the main assailant on a motorcycle to the spot. It is submitted that apparently there is no material in the charge-sheet of the applicant being aware of the intent of his companion of firing shot at the victim. It is also submitted that the applicant

is not even identified in the T.I. Parade. It is submitted that the applicant is ready to abide with any terms and conditions that may be imposed.

3. A perusal of the material in the charge-sheet supports the submission canvassed by the learned counsel for the applicant that the offences are not exclusively punishable with imprisonment for life. Even the facts and circumstances of the case do not show any special circumstances for not exercising discretion in favour of grant of bail. Even the applicant is not the main assailant. The apprehension entertained by the learned APP can be taken care of by imposing suitable conditions.

4. Resultantly, the application is allowed. The applicant is directed to be

released on bail in the aforesaid crime number upon furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties to make up the like amount and subject to conditions that the applicant, after his release, shall (i) not enter the area under the jurisdiction of Yerwada Police Station, save excepting marking attendance on every alternate Monday in between 11:00 a.m. to 1:00 p.m. for a period of three months and thereafter on every first Monday; (ii) not indulge in activity of tampering, threatening, coercing, intimidating or pressurizing the prosecution witnesses in any manner; and (iii) not misuse the protection granted vide this order for fleeing away or for committing any further offence.

5. The application accordingly stands disposed of.

(P.D. KODE, J.)