

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.55 of 2015

Kishor s/o Shivaji Taras
And Another.

.. Applicants.

Versus

The State of Maharashtra.

.. Respondent.

Shri. D.S. Nagode, Advocate, for applicants.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 20th JANUARY 2015

ORDER:

1) The application is filed for relief of bail. Both the sides are heard. This Court has perused papers of investigation.

2) Crime is registered on the basis of report given by one Bhausahab Nikam. According to him, in one incident dated 29-9-2014 in the evening after 8.30 p.m. when he was returning on his motor cycle, three persons came on another motor cycle and they intercepted his

motor cycle. He has made allegations that one of the three persons alighted from the motor cycle and he fired one bullet at him by using a pistol and that bullet struck to his right arm and also to the pillion rider's right shoulder and attempt was made on their life by firing bullet at them. He submitted that as it was dark he could not see the assailants, other two persons clearly and he could not note the description of the motor cycle on which they had come. Crime is registered for offences punishable under section 307, 34 of the Indian Penal Code.

3) The medical certificate shows that there was one bullet injury to the complainant and also to the pillion rider and it had caused fracture to one of the fingers. Similar statement was given by another injured Vikas Nikam. The applicants were arrested on 14-12-2014. As per the police papers statement was given by accused No.3 and on that basis one motor-cycle came to be recovered. The investigation papers show that the pistol also came to be recovered. It appears that during interrogation of one accused names of the present applicants were transpired.

4) In view of nature of material available against the present applicants, this Court holds that it is not desirable to keep the applicants behind the bars till disposal of the case.

5) The application is allowed. The applicants are to be released on bail in Crime No.I-94/2014 registered in Taluka Police Station, Shrirampur, District Ahmednagar for offence punishable under section 307 of the Indian Penal Code on their furnishing PR and SB of Rs.15,000/- by each of them. They are not to tamper with prosecution witnesses. They are not to commit similar offences.

Sd/-
(T.V. NALAWADE, J.)

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