

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

**CRIMINAL APPLICATION NO. 1416 OF 2015**

Viju @ Vijay S/o Baburao Khakal

.... **APPLICANT**

**V E R S U S**

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. Nitin Gaware, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Respondent – State.

.....

**CORAM : V.M.DESHPANDE, J.**

**DATE : 31<sup>st</sup> MARCH, 2015**

.....

**PER COURT :**

1. Since the applicant is apprehending his arrest in connection with Crime No. 225/2013 for the offences punishable u/s 143, 147, 148, 149, 307, 324, 323, 504, 506 of the Indian Penal Code and u/s 3/25 and 4/25 of the Indian Arms Act, 1959 registered with Police Station Karjat, district Ahmednagar, the applicant is before this Court for anticipatory bail in the event of his arrest.

2. Heard Mr. Nitin Gaware, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for Respondent – State. Learned A.P.P. also filed reply on behalf of the Investigating Officer. The reply is taken on record.

3. The F.I.R. is dated 19/10/2013. It appears from the F.I.R. that it is lodged immediately. The F.I.R. is lodged by Sanjay Mane. The role is ascribed against the present applicant in the said F.I.R. According to the allegations made in the F.I.R., the present applicant has given stick blow on the head of the first informant. It is also alleged that co-accused Panda Dasa Borude and Ambu Ajabe opened fire from their respective revolvers. The allegation against the present applicant is that he has given stick blow on the head of the first informant.

The reply filed on behalf of the Investigating Officer shows that there is injury on the occipital region of the first informant. However, the said injury is minor and also simple in nature. Further, the person who has opened fire in the direction of the first informant is already released on anticipatory bail by the learned Sessions Judge.

The reply shows that the investigation is complete and charge sheet is submitted by the Investigating Officer to the Superintendent of Police, meaning thereby only the formality of presenting the said chalan in the Court of law remained.

4. In view of the nature of injury and the stage of investigation and when the accused against whom serious accusations were made are already released on anticipatory bail, the present applicant can be released on anticipatory bail.

5. Hence, I pass the following order :

(i) The present Criminal Application is hereby allowed.

(ii) In the event of his arrest in connection with Crime No. 225/2013 for the offences punishable u/s 143, 147, 148, 149, 307, 324, 323, 504, 506 of the Indian Penal Code and u/s 3/25 and 4/25 of the Indian Arms Act, 1959 registered with Police Station Karjat, district Ahmednagar, the applicant be released on anticipatory bail on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount.

(iii) The Applicant shall attend Police Station Karjat twice a week and preferably on every Saturday and Tuesday and join the investigation in between 10.00 a.m. and 12.00 noon till the charge sheet is filed.

(iv) The applicant shall not tamper with the prosecution case.

(v) With these observations, the present Criminal Application is disposed of.

**[V.M.DESHPANDE, J.]**

