

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2809 OF 2015

[Amarpritsingh Sarabjitsingh Sethi alias Happy Sethi Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri V.D.Hon, Senior Counsel i/b
Shri A.V.Hon, advocate for the applicant
Smt.S.G.Chincholkar, A.P.P. for respondent/State
Shri Tawshikar, advocate h/f
Shri Shaikh Mazhar A. Hajagirdar, advocate to assist P.P.

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CORAM : V.M.DESHPANDE, J.
DATED : 18th June, 2015

PER COURT :-

- 1] This is an application for anticipatory bail filed by the applicant Amarpritsingh, since he is apprehending his arrest, in connection with Crime No. 105 of 2015, for the offences punishable under Sections 307, 34 of the Indian Penal Code, registered with Police Station Shrirampur City, District Ahmednagar.
- 2] I have heard Shri V.D.Hon, learned Senior counsel i/b Shri A.V.Hon, learned counsel for the applicant, Smt. S.G.Chinicholkar, learned Additional Public Prosecutor for the respondent/State and Shri Tawshikar, advocate holding for Shri Shaikh Mazhar A. Jahagirdar, learned counsel to assist the Public Prosecutor in extenso.
- 3] The first information report is lodged by first informant Subhash Atmaram Nannaware. Perusal of the first information report would reveal that two persons wearing mask came to his place. However, on physical appearance and beard the first informant identified the applicant, who is

also known as Happy Sethi. According to the first information report, the applicant and the other person fired three rounds of bullets, however, the first informant due to his alertness dodged those bullets. With these allegations, the first information report was lodged.

4] Admittedly, the first informant has not received any injury. For the offence punishable under Section 307 of the Indian Penal Code injury is not the criteria. What is essential is to point out that there was an intention on the part of assailants to kill the first informant. In the present case, it is specifically alleged that the applicant and another person have fired three rounds of bullet. In that context, perusal of the reply filed on behalf of the investigating officer would show that after getting information the police immediately reached to the spot, on detailed search, spot panchanama was drawn and nothing was found from the spot. In fact, in paragraph no.3 the investigating officer has stated as under :

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“ The deponent submits that, as per the complaint there are three firings but from the spot nothing were found/seized.”

However, the learned counsel for the first informant submits that investigation is going on and therefore, anticipatory bail should be rejected. The averments made in the first information report appear to be improbable. At least, on the basis of the reply, the applicant has made out case for grant of anticipatory bail.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Amarpritsingh Sarabjitsingh Sethi alias Happy Sethi, in connection with Crime No. 105 of 2015, for the offences punishable under Sections 307, 34 of the Indian Penal Code, registered with Police Station Shrirampur City,

District Ahmednagar, be released on anticipatory bail on he executing P.R. bond of Rs.15,000/- with one solvent surety in the like amount.

(iii) Applicant shall attend Shirampur City police station once in a week preferably on every Sunday in between 3.00 p.m. to 5.00 p.m. till the charge sheet is filed.

(iv) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2809.15