

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

CRIMINAL APPLICATION NO.1025 OF 2016

Govind s/o Prabhu Lamkhade,
Age 45 years, Occu. Business,
R/o Nighoj, Taluka Parner,
District Ahmednagar

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr C.K. Shinde, Advocate for applicant
Mr A.S. Shinde, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.
DATE : 1st March 2016

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.I-415 of 2015, registered at Parner Police Station, District Ahmednagar, for the offences punishable under Sections 307, 504 and 506 of Indian Penal Code and under Section 3/25 and 27 of Arms Act, for an incident dated 8th December 2015.

3. The story against the applicant is, the complainant and the present applicant were from the same political panel in the village politics from 2005 to 2010. However, in view of their differences, the political rivalry in the village politics has resulted into present applicant threatening the complainant with dire consequences after firing a shot from his revolver at hotel of the complainant, as such the offence came to be registered.

4. In this background, while making out the case for grant of regular bail, learned Counsel for the applicant would urge that from

the entire investigation, it could be inferred that it was never an intention of the applicant to cause any injury or kill anybody by using the firearm. So as to substantiate his contention, he has narrated the entire incident stepwise, so as to take this Court to the conclusion that intention at the most could be inferred is to deter the complainant. He would then urge that had it been the intention of the applicant to cause any injury or cause murder of the complainant, it was open for him to do so, as it is claimed in the F.I.R. that applicant has kept the point of the revolver in the center of forehead of the complainant and then fired at complainant. He submits that there was no repeated fire.

5. Mr Shinde then would urge that admittedly, the F.I.R. speaks of political rivalry between the parties and as such, false implication cannot be ruled out.

6. According to him, the investigation in the matter is complete and the charge-sheet is already filed. As such, further detention of the applicant is not necessary. Nobody is injured including that of complainant in the crime in question.

7. Learned A.P.P. opposed the application on the ground that the empty cartridge of the bullets used in crime and the revolver is seized from the applicant. The marks of bullets, which were fired from applicant's revolver are also taken note of in the investigation. He would then urge that the applicant is an influential person and may influence the witnesses.

8. Having perused the charge-sheet, it is expressly clear that the complainant, who has criminal antecedents, has narrated about the political rivalry in the village with the applicant. In the above background, if the incident in question is analysed, the act on the part of the applicant, at the most could be considered as to deter the complainant. In my opinion, the custody of the applicant is no more required, as after completion of investigation, the charge-sheet is already filed and there are no criminal antecedents against the applicant.

9. As such, Criminal Application stands allowed. The applicant be released on bail in Crime No.I-415 of 2015, registered at Parner Police Station, District Ahmednagar, for the offences punishable under Sections 307, 504 and 506 of Indian Penal Code and under Section 3/25 and 27 of Arms Act, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(N.W. SAMBRE, J.)

vvr