

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

17 CRIMINAL APPLICATION NO. 4369 OF 2016

ANIL S/O SURENDRA SANAP

VERSUS

THE STATE OF MAHARASHTRA

.....

Mr. N.S.Ghanekar, Advocate for Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

.....

CORAM : A.M.BADAR, J.

DATE : 24th AUGUST, 2016

.....

PER COURT :

1. Applicant/accused in Crime No. 62/2016 registered at Jamkhed police station, Dist. Ahmednagar for the offences punishable u/ss 307,353,332,504,506 read with 34 of the Indian Penal Code, u/s 3/25 of the Arms Act and u/s 59 (3) of Food Safety Act is seeking bail after filing of the charge sheet.

2. Heard learned counsel for the applicant as well as learned A.P.P. Learned A.P.P. opposed the application by contending that an attempt to kill police officer by firing bullet was made by the applicant and considering the gravity of the

offence, applicant is not entitled for bail.

3. Perused charge sheet. F.I.R. came to be lodged by Mr. Sanjay Matondkar, P.S.I.. He had accosted the goods vehicle with suspicion that it was being used for transporting Gutka. Present applicant as well as co-accused Avinash Baban Tonde were apprehended. According to the prosecution case, Avinash Tonde was sent to the police station by the vehicle which was allegedly used for transporting Gutka whereas present applicant was taken to the police station in police vehicle. According to the informant, on the way, present applicant took out country made revolver and attempted to fire. Thereafter he attempted to constrict the neck of the informant.

4. During investigation, fire arm with one used bullet was seized. There are eye witnesses who noticed scuffle between present applicant and the informant. The informant suffered injuries in the nature of contusion, abrasions and nail abrasions. Now, the investigation is over.

5. Considering the nature of offence and the fact that charge sheet does not contain any evidence to show criminal antecedents of the present applicant, his further detention is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Anil s/o Surendra Sanap in Crime

No. 62/2016 registered at Jamkhed police station, Dist. Ahmednagar for the offences punishable u/ss 307,353,332,504,506 read with 34 of the Indian Penal Code, u/s 3/25 of the Arms Act and u/s 59 (3) of Food Safety Act be released on bail on executing P.R. Bond of ₹ 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

(v) The applicant shall not repeat the similar offence in future.

(vi) The applicant shall co-operate the trial Court in the expeditious disposal of trial against him.

[A.M.BADAR, J.]