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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1144 OF 2016

Vinayak Shivaji Ranawade ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Abhaykumar Apte for the applicant.

Mr.S.S. Pednekar, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 15TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.103/2016 for offences punishable 307, 308, 338, 323, 504, 506 read with 34 of the Indian penal Code and 3 (25) of the Arms Act, by this application is seeking bail during the pendency of the trial against him.

2. Heard the learned counsel for the applicant. By taking me through the F.I.R. as well as the charge-sheet, he argued that there is no evidence demonstrating that the country made pistol was particularly targeted towards the

victim. He further argued that offence punishable under section 307 is not attracted as no injuries were caused to the vital parts of the body of the victims nor requisite intention is reflected from the material collected by the prosecution. He further argued that findings of blood stains on clothes of the accused are of no consequences as gunshot was allegedly fired from a distance of a 10 ft. The learned counsel further argued that the Sessions Court has wrongly recorded criminal antecedents of the applicant.

3. As against this, the learned APP argued that the offence alleged is serious and, therefore, the applicant cannot be granted bail.

4. Perused the charge-sheet, including the F.I.R. lodged by the injured victim. The F.I.R. shows that on 19th March, 2016 informant Deepak Walekar got a phone call and he was informed that his brother Aniket Walekar was assaulted by Suraj, Hrishikesh as well as his friend. Therefore, informant Deepak accompanied by his brother Sunil, Srirang and Sachin went near Bhairavnath temple and questioned Suresh and Hrishikesh as to why they had assaulted Aniket

Walekar.

5. The informant victim has stated in the F.I.R. that at that time, there was a wordy duel between the informant and applicant Vinayaka Ranawade. Then, as stated in the F.I.R., present applicant Vinayak Ranawade ran towards his house. As applicant Vinayak Ranawade left the spot, informant victim Deepak Walekar started talking with his brother and other people. Then, as seen from the F.I.R., applicant Vinayak Ranawade came back armed with a country made revolver. He fired three bullets from that country made revolver towards informant Deepak Walekar and his brother. Indiscriminate firing by applicant Vinayak Ranawade has resulted in sustained bullet injuries by Deepak Walekar, Dattatraya Kamble and Sangita Wagh. Injury certificates filed along the charge-sheet shows that bullet fired by the present applicant caused penetrating injury with entry and exit wound over the jaw of Dattatraya Kamble. Sangita Wagh sustained penetrating injury to mid shaft of left arm laterally. Informant Deepak sustained wound over dorso-radial aspect left forearm.

6. Clause fourthly of section 300 of the Indian Penal Code makes it clear that if any person commits a act which he knows that it is so imminently dangerous that it must in all probability caused death or such bodily injury as is likely to cause death and commits such act without any excuse is said to have committed murder, if the person dies because of that act. Similarly, as per clause secondly of section 300 of the Indian Penal Code if the act is done with intention of causing such bodily injury as the offender knows it to be likely to cause death, then also an offence of murder is made out.

7. Section 307 of the Indian Penal Code does not even required infliction of injuries by the offender to the victim. The intention coupled with an overt act is sufficient to make out an offence punishable under section 307 of the Indian Penal Code. Result is totally immaterial and even simple hurt is not required for attracting penal consequences of section 307 of the Indian Penal Code. In the case in hand, the weapon used for firing at a mob is country made revolver. Part of the body chosen for causing injuries is jaw as well as upper part of the body. As such, no substance whatsoever can be found with the argument of the learned counsel for the applicant

that *prima facie* no offence punishable under section 307 of the Indian Penal Code is made out. Perusal of statement of the victim goes to show that the initially the applicant aimed at the informant Deepak and fired a shot at him. Thereafter, for terrorizing the mob, he fired rest of the bullets at the mob.

8. Eye witnesses are naming the applicant. There is recovery of weapon at the instance of the applicant. The offence is punishable with life imprisonment. The applicant has exhibited brutal conduct of going to his house and returning with a revolver. Subsequently, he fired from the weapon causing injuries to the informant and also to the public at large. Hence no case for bail is made out and, therefore, the order.

The application is rejected.

(A.M.BADAR, J.)