

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1959 OF 2016

Suresh Vitthal Arjune	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Mahadeo A. Choudhari, Advocate for the applicant.
Mr. S.S. Pednekar, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 24th November, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 9.3.2015 in Crime No.15 of 2015 registered at Akkalkot Police Station. The investigation is completed and charge sheet is filed against the applicant for the offences punishable under Sections 307, 324, 143, 147, 148, 149, 504 of the Indian Penal Code and Sections 4, 5 read with Sections 25 and 27 of the Indian Arms Act.

2. It is the case of the prosecution that on 19.2.2015, Siddappa Kallappa Bhaigunde Lodged a report at the police station alleging therein that there was some dispute between the present applicant and the family of the first informant and the applicant was the power of attorney holder of Shashikala Lohar upon whom the property had devolved due to the death of her husband Saibaba Lohar. The civil dispute was pending. Orders were

passed in favour of the first informant and, therefore, the present applicant was annoyed with the first informant.

3. It is also alleged that on 19.2.2015, the first informant had called the women folk of Mahadev Koli Mahila Mandal to resolve the dispute. When they were on their way home, Tata Safar Jeep crossed them. The present applicant and the co-accused had alighted from the said jeep. At that time, the applicant herein was armed with a revolver. The others were armed with deadly weapons. The father of the first informant had questioned the applicant as to from where he had got harvester. There was a verbal altercation. In the meanwhile, the applicant had fired his revolver in the direction of father of the first informant. The injured had sustained injuries on his abdomen and on his left fore-arm.

4. The injury certificate would show that the injured had sustained injuries by fire-arms. The application of the co-accused Prakash was rejected by this Court (Coram: Smt. Anuja Prabhudessai, J) vide order dated 5.1.2016. It was specifically observed that all the persons named in the FIR formed an unlawful assembly. The present applicant happens to be the brother of Prakash Arjun. It was also observed that the medical certificate

prima facie proves that Kallappa had sustained injuries which were caused due to fire arms. There is specific overt act attributed to the applicant who had voluntarily caused injuries to Kallappa with a revolver. The applicant does not deserve to be enlarged on bail.

5. The learned counsel for the applicant submits that the applicant was a Sarpanch. It is seen from the Roznama that the matter was ready for framing of charge. However, adjournment was sought only for enabling the applicant to file an application seeking enlargement on bail. The present application is filed on 22.9.2016.

6. Taking into consideration the papers of investigation, the role attributed to the applicant, the injuries sustained by the injured Kallappa with fire arms, this Court is of the opinion that the applicant does not deserve to be enlarged on bail.

7. The learned Sessions Judge shall not be influenced by the observations made hereinabove as they are restricted to an application under Section 439 of Cr.P.C.

The application is rejected.

(SMT. SADHANA S.JADHAV, J.)