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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.658 OF 2017

Lokesh Parshuram Mane	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.A.Ingawale, for the Applicant.

Mr.Prashant Jadhav, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th MAY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.43 of 2016 registered with the Baramati City Police Station, Pune for the alleged offences punishable under Sections 307 r/w 34 of the Indian Penal Code and under Section 3(25) of the Arms Act.

3. Learned Counsel for the applicant submitted that the present case has been lodged as a counter blast to an earlier complaint lodged by the applicant, as against the complainant and others alleging offences punishable under section 326 etc. of the Indian Penal Code. He submitted that although the applicant is alleged to have fired at the complainant the complainant has not received any injuries. He submitted that no empty cartridge was also found at the spot.

4. Learned APP opposed the application. He submitted that the applicant has about 9 cases registered against him, out of which in one case he has been acquitted. He does not dispute, that the cases as against the applicant are under Sections 341, 454, 457, 380, 357, 337, 338, 394, 307 etc i.e essentially relating to Property and do not pertain to any bodily related offences.

5. Perused the papers. The incident in question has taken place on 25th January, 2016, at about 00.15 a.m. According to the complainant, after closing his shop, he was proceeding home when the incident took place. He has stated that he was riding on Aseem Bagwan's motorcycle and

that his friend Mustaqim Mukhtar Attar was following them, on his motorcycle. He has stated that when they reached near Panchshil Nagar, another motorcycle came from behind. He has alleged that Rohit Jagtap was riding the said motorcycle and that the present applicant and one unknown person was sitting on the said motorcycle. He has stated that Rohit Jagtap came close to his motorcycle and asked the applicant to fire at the complainant, pursuant to which, the applicant pulled out his pistol, and put the same on the complainant's head. According to the complainant, he got frightened and hence jumped from the motorcycle. He has further stated that he fell down, then got up and started running. He has stated that the present applicant had aimed the pistol in his direction and had fired from the pistol. He has further stated that from there, he directly went to the police station. According to him, he had sustained an injury on his leg, when he fell. Admittedly the complainant has not received any bullet injury. It appears that no empty cartridge was also found at the spot. It also appears that there is a dispute between the applicant and the complainant and that the applicant had lodged a complaint as against the complainant and Mustaqim Mukhtar Attar six months prior the incident, alleging an offences punishable under Section 326 etc of the Indian Penal Code. It also appears

that co-accused – Rohit Jagtap despite 13 antecedents has been enlarged on bail.

6. Considering the peculiar facts of the case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not enter the jurisdiction of Baramati City Police Station, Pune, except for the purpose of attending the police station, as mentioned in clause (ii), till the conclusion of the trial;

v) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall co-operate in the conduct of the trial;

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of his release;

viii) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)