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

ANTICIPATORY BAIL APPLICATION NO.459 OF 2017

Vikramsinh Nivrutti Bhosale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.U.R.Mankapure, for the Applicant

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

Mr.Manoj Badgujar, for the Original Complainant.

Police Constable – R.B.Jangam, Ashta Police Station, Sangli.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 21 of 2017 registered with the Ashta Police Station, Sangli, for the alleged offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code, under Sections 3, 25, 27(1) of the Arms Act and under Section 135 of the Bombay Police Act.

3. The incident in question took place on 23rd February, 2017 at about 4.00 p.m. After the result of the Zilla Parishad Elections were declared on 23rd February, 2017, the winning party took out a rally. The applicant belonged to the party which had lost the elections. It is alleged that as applicant and others had lost the elections, the complainant and others were attacked by the applicant and other co-accused. As far as the applicant is concerned, he is alleged to have fired from his licensed revolver and is alleged to have caused a firearm injury to the complainant-Akash on his arm, pursuant to which, the complainant-Akash was shifted to a hospital at Islampur.

4. Learned Counsel for the applicant submitted that the allegations as against the applicant are false and baseless and are outcome of political rivalry between the two parties. He submitted that the applicant's wife – Smita V. Bhosale had also lodged a cross complaint which is registered vide C.R.No.20 of 2017 alleging offences punishable under Sections 143, 147, 148, 149, 452, 336, 427 of Indian Penal Code and under Sections 3, 25, 27(1) of the Arms Act and under Sections 37(1)(3) and 135 of the Bombay Police Act. He submitted that the applicant had a

licensed revolver, however he had not submitted the revolver to the police during the election period. Learned Counsel for the applicant has produced photographs of the applicant's house and vehicle, which show that the windows of the house and vehicle were broken in the said incident. He submitted that all the accused person in the cross case were granted pre-arrest bail and that the incident is an outcome of a political rivalry. He further submitted that the applicant has no antecedents.

5. Learned APP opposed the application. He submitted that the complainant-Akash was in the hospital for about 10 days. He does not dispute the fact that the house of the applicant was ransacked and damaged by the mob, after the incident of firing took place. He also does not dispute the fact, that the applicant had a licensed revolver. He however states that the said revolver was not deposited as required during the election period.

6. Perused the papers. This Court (Coram:Mrs.Mridula Bhatkar,J.) vide order dated 14th March, 2017 had granted interim pre-arrest bail to the applicant on certain terms and conditions, after considering the role of the applicant and after noting that the applicant had

no criminal antecedents.

7. Perused the injury certificate of the complainant-Akash, tendered by the learned APP. It appears that the complainant had received 2 injuries on his forearms about 4 mm and 5 cm. The injury is stated to be circular in size with irregular margin. The nature of object is stated to be hard and piercing object. Learned APP does not dispute the fact, that no bullet was lodged in the complainant's arm, nor was there any piercing (through and through) bullet injury in the forearm. He has also produced the ballistic report dated 3rd March, 2017, wherein it is opined that it cannot be said whether the said forearm injury was caused by firing. It is stated that neither any gun powder was detected in the said injury. It is also not in dispute that co-accused – Dinkar Vilasrao Dubal has been granted pre-arrest bail by this Court (Coram:Mrs.Mridula Bhatkar,J.) vide order dated 14th March, 2017.

8. Considering the aforesaid, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions:

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;
- (iii) The applicant shall inform his latest place of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station, in writing;
- (iv) The applicant shall co-operate with the Investigating Agency.

(v) The applicant shall not leave India, without the permission of the trial Court;

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this application.

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

(REVATI MOHITE DERE, J.)