

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1052 OF 2017

Narendra Ramshing Chauhan

Applicant

versus

The State of Maharashtra

Respondent

Mr.R.D.Suryawanshi for Applicant.

Mrs.Veera Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 26th July 2017

PC :

1. This is an application for anticipatory bail. The applicant is apprehending arrest in connection with CR No.I-25/2017 registered with Shivaji Nagar Police Station, Ambernath, for the offences punishable under Sections 304(II), 201 and 34 of Indian Penal Code, as well as Sections 3 and 27 of Arms Act.

2. The prosecution case is that on account of firing which was done at the instance of co-accused, one boy has died. The role that is attributed to the applicant is that after the bullet was fired, the pistol was handed over to the applicant which was kept by him at some place. The said role is attributed on the basis of statement of co-accused.

3. It is submitted that at the most, the applicant can be charged for offence under Section 201 of Indian Penal Code, which is bailable offence. The applicant is not involved in using the revolver at the time of incident. The applicant was granted interim protection by order dated 21st June 2017 and he was directed to attend concerned police station. The applicant has complied the said directions.

4. I have perused the documents annexed to the application. It appears that the evidence against the applicant is on the basis of memorandum of statement of the co-accused Ashish Gaikwad which was recorded on 4th February 2017. In the said statement it is stated that the revolver which was lying at the place of incident was picked up by present applicant and it was kept at some place which was shown by the said accused in the said memorandum of statement. There is no other evidence against applicant in the said crime. The applicant has attended police station as directed by this Court by order dated 31st June 2017.

5. In the aforesaid circumstances, the application can be allowed. The person who had mis-fired the revolver while loading, which has resulted in death of the victim, was arrested and was granted bail by this Court.

6. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application No.1052 of 2017 is allowed;
- (ii) Interim order dated 21st June 2017 is hereby confirmed;
- (iii) The applicant is directed to attend the investigating officer of Shivaji Nagar Police Station, Ambarnath as and when called for;
- (iv) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST