

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

ANTICIPATORY BAIL APPLICATION NO.244 OF 2018

Rajesh @ Rajendra Ravindra Suryawanshi Applicant

Vs.

The State of Maharashtra

.... Respondent

Mr. Aniket U. Nikam i/by Mr. Aashish Satpute for the Applicant.

Mr. S.H. Yadav APP for the State.

Mr. Pravin V. Padvi, API Dindori Police Station present.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 8th February, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.17 of 2018, registered at Dindori Police Station, District Nashik on 18th January, 2018, for the offences punishable under Sections 307, 341 read with 34 Indian Penal Code and under Section 3 read with 25 of the Indian Arms Act.

3 It is the case of the prosecution that on 17th January 2018, Shekhar Laxman Pawar lodged a report at the police station alleging therein that on 17th January 2018, he was in the company of his friend Vijay Devram Kandalkar and they had attended Nashik Court. They met Sunil Changle and Ramesh Changle. Thereafter, they all had left the Court premises in the Maruti Ritz car belonging to the complainant and were passing from Pimpalner fata, they had stopped at Hotel Sukhsagar for dinner. At about 8.30 pm., they had started proceedings towards Nashik. Ramesh Changle was driving the car, whereas Sunil Changle was seated next to him and the others were on the back seat, one black coloured Scorpio car overtook them. Some persons including the present applicant had alighted from the said car and had raised a quarrel with the complainant and his friend. It appears from the F.I.R., they were on cross terms earlier. It is alleged that Amol Patil had fired at Ramesh. There was a quarrel. The complainant had attempted to flee. He had sustained some blunt traumatic injuries.

4 It appears from the record that Amol Patil had lodged a report at the same police station at about 7.00 am. on the next day, which was registered as Crime No. 18 of 2018 in respect of the same incident. It is alleged that they were travelling on the Pulser motorcycle. They had accosted the complainant Amol. On account of previous fight, Sunil had fired towards the complainant, Amol

twice, due to which Dashrath Patil had sustained bullet injury. The friends had rushed to Apollo Hospital. Thereafter he was taken to Shrinivas Hospital.

5 Learned counsel for the applicant vehemently submits that in fact this is a case of cross-complaint. The complainant, Shekhar has blown the incident out of proportion and in fact Dashrath had sustained bullet injury at the hands of Amol. The applicant has no criminal antecedents, whereas Sunil has criminal antecedents to the extent that he is charge-sheeted in Crime No. 130 of 2014 for the offences punishable under Sections 307, 353 read with 34 Indian Penal Code and in Crime No. 569 of 2009 for the offence punishable under Section 302 Indian Penal Code and other offences, whereas Vijay is also an accused in Crime No. 6 of 2018 and Shekhar is facing prosecution for the offence punishable under Section 392 Indian Penal Code.

6 It appears to be cross case. The complainant and his associates had not sustained any injuries, whereas Dashrath Pandurang had sustained bullet injury. In these circumstances, the applicant deserves to be enlarged on bail.

7 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced

by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits. Hence, the following order is passed :

ORDER

- 1 The application is allowed and disposed of.
- 2 In the event of arrest the applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- 3 The applicant shall report to Dindori Police Station on four consecutive Saturdays between 10.30 am to 12.00 noon.

(Smt. Sadhana S. Jadhav, J)