

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

BAIL APPLICATION NO.1275 OF 2018

Pankaj Kantaram Fuge		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Niranjan Mundargi i/by Mr. Abdul Latif Chaudhari for the Applicant.
Mr. Vinod Chate, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 13th June, 2018

P.C.:

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

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 5th January 2018 in Crime no.559 of 2017 registered at Bhosari Police Station, for the offences punishable under Sections 307, 143, 144, 147, 148, 149 r/w 34 of the Indian Penal Code, under Sections 37(1)(3) r/w 135 of Maharashtra Police Act and under Section 3(15) of Indian Arms Act.

3 It is the case of the prosecution that on 22nd December 2017, Suraj Shantaram Fuge lodged a report at the police station alleging therein that Ajinkya Mane, who was residing in the same locality was looking at him with some grudge. Upon enquiry, he informed that he had some altercation with the present applicant, near Central Mall at Pimpri and the applicant had just pushed him and abused him and had also threatened him that one day he would shoot him. Thereafter Suraj called upon the present applicant and enquired what was the matter. Upon that, the applicant had denied to have any grudge against Ajinkya Mane that he had no complaints, that it was Ajinkya Mane who had precipitated the whole quarrel. Thereafter the complainant alongwith Ajinkya Mane, Mangesh Vasve had been to Bhosari. The applicant alongwith Bunty Takle and Pappu Fuge were waiting for them. The present applicant had attempted to mount assault upon Ajinkya. Thereafter Bunty had pushed Ajinkya and had brandished his pistol at Ajinkya Mane. Ajinkya Mane had tried to flee from the spot and the applicant had chased him. In the meanwhile, Bunty Takle had fired gun shot. The

applicant herein had sustained gun shot injury. The applicant was taken to Sant Dnyaneshwar Hospital on 22nd December 2017. He was operated for exploration of the wound and extraction of the bullet. He was treated as an indoor patient and was discharged on 5th January 2018. According to the prosecution, the applicant had conspired with Bunty Takle to assault Ajinkya Mane and instead he had received the gun shot injury. No other person was injured in the said incident.

4 Learned counsel for the applicant submits that it cannot be said that the applicant had conspired with Bunty Takle and in all probabilities, he had no knowledge that Bunty was carrying a country-made pistol. Be that as it may, the applicant has been in custody for more than six months, the investigation is completed and charge-sheet is filed. Taking into consideration papers of investigation and submissions advanced across the bar, it can be said that the applicant has made out a case for grant of bail.

5 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial.

Hence, the order :

ORDER

1 The application is allowed.

2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

(*Smt. Sadhana S. Jadhav, J*)