

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

BAIL APPLICATION NO. 2793 OF 2018

Mangesh @ Mayur Chavan

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Y.J.Mastir i/b. Prakash Mahadik for the Applicant.

Mr. S.S.Pednekar, APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 29, 2018.

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who is facing trial in Sessions Case No. 31 of 2018 pending on the file of the learned Addl. Sessions Judge, Baramati. The said case arises from Crime No. 899 of 2017 registered with Yawat Police Station, Taluka Daund, Pune for offences under Section 307, 294, 504, 506 of Indian Penal Code and Section 3(25), 7(29) of the Arms Act.

2. Heard Mr. Mastir, the learned Counsel for the applicant and Shri Pednekar, the learned APP for the State. I have perused the

records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Shivaji Baban Pise. The FIR and the other material on record prima facie indicates that on 5th December, 2017 at about 5.30 p.m. the first informant received a phone call. The caller, who identified himself as Mangesh Chavan, started abusing the first informant and told him that he was standing near Kinara Hotel. The first informant and his friend Parshuram went near Kinara Hotel, whereupon the applicant once again started abusing him. The first informant has stated that when he slapped the first informant, the applicant removed a pistol and aimed and fired at him. Parshuram, the friend of the first informant snatched the pistol from the hands of the applicant, and thereafter the applicant ran away from the spot of the incident. The statement of Parshuram also prima facie supports the contention of the first informant that the applicant had fired a gun shot at the first informant. The medical certificate vis-a-vis statement of Dr. Bharat Babanrao Khaladkar also indicates that the first informant had sustained bullet injury and that he was operated.

4. The learned Counsel for the applicant submits that the first informant and the witness Parshuram are friends. He further submits that the FIR is also registered against said Parshuram for possessing pistol without license. He therefore claims that no reliance can be placed on the statement of said Parshuram. It is further stated that the ballistic report is still awaited and hence no implicit reliance can be placed on the statement of the first informant or the said witness.

5. Suffice it to say that at the stage of grant of bail, the court is not required to appreciate or scrutinize the material on record. The question whether bail is to be granted or rejected is to be decided on the basis of the prima facie material on record. In the instant case, the statement of the injured as well as the eye witness prima facie indicates that the applicant had fired a gunshot at the first informant and it is further corroborated by the medical evidence. The material on record therefore prima facie indicates that the applicant is involved in committing a grave offence. The evidence has not yet commenced, and in the event of the applicant released on bail, the possibility of the applicant interfering with the witness cannot be

ruled out. Considering the above facts and circumstances, in my considered view, this is not a fit case for grant of bail. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)