

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.1245/2017

Gajanan Kisan @ Ramkisan Chaudhari ..vs.. State of Maharashtra through
PSO P.S. Washim (City), Tq. Dist. Washim.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. D. Chande, Advocate for applicant.
Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 9, 2018

1. Heard Mr. S. D. Chande, Advocate for applicant
and Mr. T. A. Mirza, A.P.P. for non applicant-State.

2. The applicant is arrested on 09.11.2017 in
connection with Crime No.470/2017 registered with Police
Station, Washim (City), Tq. Dist. Washim for an offence
punishable under Sections 307, 351, 323, 506 read with
Section 34 of the Indian Penal Code and Section 25 (3) of
the Indian Arms Act.

3. The application for bail is primarily objected by
the learned A.P.P. on the ground that the charge-sheet is yet
to be filed. However, Mr. Jawade, the learned A.P.P. for the
State, in his fairness, submits from the instructions which he
has received from the investigating officer that the
investigation is already over and the charge-sheet will be
filed in near future.

4. The FIR is lodged by Raju Watan Ingole against the present applicant and three others. According to the FIR, the dispute occurred with the present applicant on the ground of recovery of loan amount and in that, the present applicant had put a gun (desi katta) on the forehead of the first informant.

5. It is not the prosecution case that there was any fire by the present applicant and/or the first informant has received any injuries. No doubt true that the injury is not *sine qua non* in an offence under Section 307 of the Indian Penal Code. Intention has to be seen. It is to be noted here that even from the FIR that apart from the applicant, there were other accused persons also who are already released on bail by the trial Court. The weapon is already seized from the other accused by name Ganesh, who is already released on bail by the Court below.

6. Looking to the fact that there is no likelihood of taking the trial in near future, in my view, the applicant cannot be allowed to languish in jail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.1245/2017 is allowed.
- (ii) Applicant-Gajanan Kisan @ Ramkisan Chaudhari be released on bail in connection with Crime No.470/2017 registered with Police Station, Washim (City), Tq. Dist. Washim for an offence punishable under Sections 307, 351,

323, 506 read with Section 34 of the Indian Penal Code and Section 25 (3) of the Indian Arms Act on he executing P.R. Bond in the sum of Rs.2,00,000/- with two solvent sureties in the like amount.

(iii) The applicant shall attend Police Station, Washim City twice a month i.e. on first and fourth Monday in between 03.00 p.m. to 05.00 p.m.

(iv) The applicant shall not try to intimidate or influence any of the prosecution witnesses. If it is found that the applicant has breached any of the conditions, the investigating agency shall be free to file an application for cancellation of bail.

(v) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for bail. The learned trial Court shall not get influenced by the observations made in the order.

The application stands disposed of accordingly.

JUDGE