

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

ANTICIPATORY BAIL APPLICATION NO. 115 OF 2019

Chetan Madhukar Jaipatkar	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Ganesh R. Dalvi for the applicant.
Mrs. G.P. Mulekar, APP for the Respondent-State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 15th JANUARY, 2019.

P.C.

1. This is an application for anticipatory bail in CR No. I-143 of 2018 registered with Badlapur Police Station for the offence punishable under Sections 307, 201, 182, 211 read with 120 B of Indian Penal Code and Section 4, 25, 34, 135 of the Mumbai Police Act and under Section 3 and 25 of the Arms Act.
2. The case of the prosecution is that the complaint was lodged by Mr. Jagdish Kudekar on 2nd October, 2018 alleging that some unknown persons had fired at him and tried to commit murder as he referred the presence of the applicant. During the course of investigation, assailants were arrested and they have revealed that the complainant himself has instructed the said accused to fire at him and that there was conspiracy between the complainant and

the applicant to stage manage incident dated 2nd October, 2018.

3. The complainant was impleaded as accused in this case alongwith applicant. Other person were arrested and they were granted bail under section 167(2) of Code of Criminal Procedure. Applicant had preferred an application for bail before the Sessions Court which was rejected.

4. Learned APP submitted that the statement of other accused were recorded during the course of investigation which indicate that there was conspiracy by the complainant and others.

5. The case of the prosecution is that co-accused were instructed by the complainant himself to fire at him. Now the question arises whether the Section 307 of Indian Penal Code is made out. If the incident was allegedly arranged the invocation of Section 307 is doubtful. All other offences are bailable in nature. In the circumstance, applicant can be granted anticipatory bail.

ORDER

- i. Anticipatory Bail Application No. 115 of 2019;
- ii. In the event of arrest of the applicant in connection with CR No. 143 of 2018 registered with Badlapur Police Station, the applicant be released on bail on furnishing PR bond of Rs.25000/- with one or more sureties in the like amount;

- iii. Applicant shall report to the Investigating Officer as and when called for;
- iv. Application stands disposed off.

(PRAKASH D. NAIK, J.)