

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

ANTICIPATORY BAIL APPLICATION NO. 498 OF 2019

Sadhu @ Alakhshyam Shivnarayan Paswan ... Applicant
V/s.
The State of Maharashtra ... Respondent

- Ms.Sushma T. Mishra for the Applicant.
- Mr.S.R. Agarkar, APP for the Respondent-State.
- Mr.M.L. Wagh, H.C., Vasind Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th FEBRUARY, 2019.

P.C. :

1] This is an application for anticipatory bail in connection with C.R. No.I-128 of 2018 registered with Vasind Police Station for the offence punishable under Section 307 read with 34 of the Indian Penal Code and Section 3 and 25 of the Arms Act.

2] The case of the complainant is that on 8th November 2018 at about 7.30 pm he went for shopping with his friend Mr.Satish Dandkar. Both of them consumed beer. They started returning home by activa scooter. They stopped for answering nature's call. At that time, four boys came on motorcycle and one of them fired by pistol in

air. They also threatened the Complainant and his friend. One of them fired towards the Complainant. As a result of which, he sustained injury on the back of his thigh of the left leg. After the incident, the accused disappeared from the scene of offence.

3] Subsequently, supplementary statement of the complainant was recorded. In the said statement, it was stated that the Applicant had fired by pistol in the air and the friend of the complainant Mr.Satish Dandkar tried to intervene and accidentally pressed the trigger of the revolver. As a result of that, the complainant sustained injury. According to Prosecution, the revolver was recovered at the place of incident with two empty cartridges.

4] On perusal of the First Information Report, it is apparent that the role of firing in the air and firing at the complainant by revolver was attributed to the unknown person. However, in the supplementary statement, said role was attributed to the Applicant. In the supplementary statement it is stated that the friend of the complainant Mr.Satish Dandkar had tried to intervene and at that time, accidentally the complainant had sustained the injury on account of firing from the said revolver. Learned counsel for the Applicant pointed out that the complainant had filed an affidavit

before the Sessions Court stating the similar facts, as reflected in the supplementary statement.

5] Considering the aforesaid circumstances, it is apparent that the Applicant had been implicated on the basis of the improved version which is contrary to the First Information Report.

6] Hence, I pass following order:

- (i) Anticipatory Bail Application No.498 of 2019 is allowed.
- (ii) In the event of arrest of the Applicant in C.R. No. I-128 of 2018 registered with Vasind Police Station, the Applicant be released on bail on his furnishing the P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount.
- (iii) The Applicant shall report to the Investigating Officer on 1st March 2019, 4th March 2019 and 5th March 2019 between 11.00 pm to 01.00 pm and thereafter, as and when called for till filing of the Charge-sheet.

[PRAKASH D. NAIK, J.]