

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2345 OF 2019

Mayur Mahadev Salunkhe

Applicant

versus

The State of Maharashtra

Respondent

Mr.Niranjan Bhavake for applicant.

Smt.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 2nd December 2019

PC :

1. The applicant is seeking bail in CR No.43 of 2019 registered with Umbraj Police Station for offences under Sections 307, 143, 147, 386, 149, 504, 506 of Indian Penal Code and under Sections 3 and 25 of Arms Act. The applicant was arrested on 15th March 2019.

2. The case of complainant is that the applicant and other accused had threatened him on 6th February 2019. After realizing that the offence vide CR No.42 of 2017 has been registered against the applicant, the complainant mustered courage to lodge present FIR. It is alleged that on 6th February 2019 accused had abused and threatened the complainant. By pointing out revolver the accused had demanded Rs.2 lakh.

3. Learned counsel for applicant submitted that offence u/s 307 as well as under Section 386 of IPC is not made out in the present case. There was no attempt to commit murder. The applicant is in

custody from the date of arrest. Investigation is completed and charge sheet is filed.

4. Learned APP submitted that there is recovery of pistol and live cartridges from the possession of applicant. The applicant had tried to pull the trigger. There are eye witnesses to the incident. There are antecedents against applicant.

5. I have perused the FIR. It is doubtful whether Section 307 of IPC is attracted in the present case. The complaint does not spell out that there was any attempt to commit murder. Investigation is completed and charge sheet is filed. Consideration the submissions of learned APP, stringent conditions can be imposed upon applicant while granting bail. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2345 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.43 of 2019 registered with Umbraj Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall stay out of the jurisdiction of Umbraj Police Station till conclusion of trial;
- (iv) The applicant shall communicate his address where he would reside after release on bail, to the investigating officer;
- (v) The applicant shall report the nearest Police Station where he would reside, once in a month on every first Saturday between 10 am and 12 noon till completion of trial;

(vi) The applicant shall not tamper with evidence and shall attend the Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST