

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

CRIMINAL BAIL APPLICATION NO. 2570 OF 2019

Bharat Ramesh Wagh

...Applicant

V/s

The State of Maharashtra

...Respondent

Mr. Aniket Nikam a/w. Aashish Satpute a/w. Amit Icham i/b.
Vivek N. Arote for the applicant.

Smt. Geeta P. Mulekar APP for the State/Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 12TH DECEMBER, 2019

PC :

1. This is an application seeking bail in connection with C.R. No. 221 of 2019, registered with Sinhagad Police Station, Pune, for the offences punishable under Sections 307, 504 and 506 r/w. 34 of the Indian Penal Code, 1860 ('IPC' for short).

2. The case of the prosecution is that on 03.03.2019 at about 11.00 p.m. when the complainant was sitting outside his house, the applicant and others were standing there. The complainant heard the sound of fire. Thereafter, he noticed applicant holding air gun pointed at him. The

complainant questioned the applicant why he has fired and he would have sustained injury. At that time the applicant fired at the complainant by air gun which resulted injury to his abdomen. The complainant was admitted to hospital. He was discharged after two days.

3. The charge-sheet includes the tax invoice of purchase of the Air gun dated 13th March, 2019. The air rifle was purchased from the shop Toy Arms. The description of the gun is mentioned as spouting air rifle of Indian made.

4. Learned Advocate for the applicant submits that the weapon involved in the crime is air gun, purchased from the Toy Arm shop. There was no intention to commit murder. It is submitted that the victim was discharged from the hospital after two days. The injury was not serious. There are no criminal antecedents against the applicant. He is in custody from 14th March, 2019.

5. Learned APP submitted that on slightest provocation, the applicant had shot at the injured. The pellet was recovered from the body of the injured, if the applicant is released on bail, there is every likelihood of committing

similar offence. The complainant and the applicant are neighbours.

6. The prosecution case is that the applicant had fired at the victim by air gun. Pellet was recovered from the body of the injured. He was in hospital for two days. Investigation is completed and charge-sheet is filed. There are no criminal antecedents against the applicant. He is in custody since 14th March, 2019. In the above circumstances, bail can be granted on certain terms and conditions.

ORDER

- (i) Bail Application No. 2570 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 221 of 2019, registered with Sinhagad Police Station, Pune, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant is directed to stay out of the jurisdiction of Sinhagad Police Station, District: Pune till the conclusion of the trial;
- (iv) The applicant shall not tamper with the evidence;

(v) The applicant shall furnish his address to the investigating officer with regard to place of his residence and shall report the nearest police station of his residence once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon.

(iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)