

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1333 OF 2020

Sunil Sudhakar Ratnaparkhe

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S.J. Salunke, Advocate for the applicant.

Mr. R.V. Dasalkar, APP for respondent-State.

CORAM : M.G. Sewlikar, J.
VACATION COURT
DATE : 20th November, 2020.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for regular bail.

2. Prosecution case is that on 23.07.2020 at about 7.00 pm the informant who is a Police Inspector was proceeding in his private car from Ambad choufuli (square). Near Bhimraj gate he noticed 3 four wheelers and 3 to 4 two wheelers being parked there. The applicant and other 25 to 30 people were there and altercation was going on amongst them. The informant stopped his car and while he was getting down from his car, somebody from a black Scorpio fired three gun shots and fled from the spot in the Scorpio. The informant, thereafter, lodged the First Information Report, on the basis of which, Crime No. 355/2020 came to be registered with Kadim Jalna Police Station, District Jalna, for the offence under Sections 307, 160, 188, 269, 270 read with Section 34 of the Indian

Penal Code and Section 3 read with Section 25 of the Arms Act.

3. Heard Shri Salunke, learned counsel for the applicant and Shri Dasalkar, learned APP for the State.

4. Learned counsel Shri Salunke submits that the applicant did not fire any gun shot. First Information Report does not specify as to actually who fired the gun shot. Application of the applicant has been rejected only on the ground that he has criminal antecedents.

5. Learned APP Shri Dasalkar submits that the applicant has criminal antecedents. Earlier offence under Section 307 of the Indian Penal Code has been registered against him and if he is released on bail, he is likely to commit similar offence again. A sword has been recovered from him.

6. On perusal of the papers produced by the learned APP, it is seen that the applicant is not alleged to have fired a gun shot. Only a sword is recovered from him. There is no allegation in the First Information Report that at the time of the incident, the applicant was armed with the sword. Having regard to the pandemic situation created by Covid-19, it will not be in the fitness of things to keep the applicant behind the bars. Trial is also not likely to be completed in near future having regard to the pandemic situation. In view of this, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

1. Application is allowed.
2. Applicant be released on PR Bond of Rs. 50,000/-(Rs. Fifty Thousand only) with one solvent surety in the like amount in connection with Crime No. 355/2020 registered with Kadim Jalna Police Station, District Jalna for offence under Sections 307, 160, 188, 269, 270 read with Section 34 of the Indian Penal Code and Section 3 read with Section 25 of the Arms Act on condition that he shall attend the concerned police station as and when called upon by the Investigating Officer and he shall not commit similar offence again, shall not interfere in the investigation and shall not pressurise the witnesses.

(M. G. SEWLIKAR)
JUDGE

dyb