

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

CRIMINAL BAIL APPLICATION NO. 2384 OF 2019

Gurunath @ Purannath Dhannath Goswani

Age : 30 Yrs. Occ. Labour,

R/at. Bhalani Gaon, Tal Bhagoda,

Dist. Jalori (Rajasthan)

(At present Yerwada Jail)

... Applicant

Versus

The State of Maharashtra

... Respondent

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Mr. G. Lalla i/b Lalla and Lalla Advocates, for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 16th DECEMBER, 2020.

PER COURT:

1. This is an application for bail in C.R. No. 614 of 2017 registered with Yavat Police Station, Tal. Daund, Dist. Pune for offences under Sections 341, 394, 397 of Indian Penal Code (for short “IPC”) and Section 3 (27) of the Arms Act.

2. The case of the prosecution is that, the complainant was travelling by car on highway. He is a police inspector. He was intercepted by four persons. One of them assaulted him by iron rod. The other person fired the bullet from his pistol which stuck on the right leg of the informant. The accused took away complainant’s car.

The car was subsequently traced. The applicant was arrested on 24th November, 2017. Investigation was completed and charge-sheet was filed.

3. Learned advocate for the applicant submitted that the applicant is in custody for a period of about Three years. Trial has not commenced. There is discrepancy with regards to his name in the statement recorded after the parade was conducted. The complainant has stated that he has identified accused Puranmal. The role attributed to applicant is that, he assaulted complainant by iron rod. Although, it is the case of the prosecution that revolver was used in firing at the complainant, there is no recovery of revolver from any accused.

4. Learned APP submitted that the complainant was assaulted by the accused. There is no discrepancy regarding name of the applicant while identifying him. The applicant has been identified by the complainant. Specific role has been attributed to him. The version of the complainant is corroborated by medical evidence. One more case was registered against applicant at Dhone Rural Police Station, Dist. Kurnool, Andhra Pradesh. Learned advocate for applicant submitted that applicant has been granted bail in that case.

5. The alleged incident had occurred on 11th September, 2017. The applicant was arrested on 24th November, 2017. The test identification parade was conducted on 28st November, 2017. In the supplementary statement of the complainant recorded after the test identification parade, it is stated that, he has identified the accused named as Puranmal and that the said accused has assaulted him by iron rod. The name of applicant is Gurunath @ Purannath. Discrepancy if any, is a matter of trial. However, role attributed to applicant is assault by iron rod. The applicant has been granted bail by the Sessions Court, Kurnool in another case, on the ground of delay in conducting the trial. It is pertinent to note that, the applicant is in custody for a period of about Three years. The trial has not commenced. On certain terms and conditions bail can be granted to the applicant. Hence, I pass the following order.

ORDER

- i) Bail Application No.2384 of 2019 is allowed.
- ii) The applicant is directed to be released on bail in connection with C.R. No. 614 of 2017 registered with Yavat Police Station, Tal. Daund, Dist. Pune on executing P.R. bond in the sum of Rs. 30,000/- with one or more local sureties in the like amount.

iii) The applicant shall report Yavat Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

iv) The applicant shall furnish details about the place of his residence after being released on bail to the investigating officer.

v) The applicant shall provide his mobile number to the investigating officer.

vi) Application stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)