

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.56 OF 2021**

Gajanan Machhindranath Tour  
Age 29 years, Occupation-Agriculture,  
R/o Shivangaon, Tq. Ghansawangi,  
District Jalna.

.. Applicant

Versus

The State of Maharashtra  
Through Police Station Kadim, Jalna,  
Dist. Jalna.

.. Respondent

...

Advocate Shri S.J.Salunke for the applicant  
A.P.P. Shri P.G.Borade for respondent State.

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**CORAM : MANGESH S. PATIL, J.  
DATE : 11.02.2021**

**PC. :-**

The applicant is accused no.1 in Crime No.355/2020 registered with Kadim Police Station, Jalna for the offences punishable under Sections 307, 160, 188, 269, 270 of the I.P.C. and Section 25 read with Section 4 of Arms Act seeking bail in the event of his arrest.

2] The F.I.R. has been lodged by a Police Inspector alleging that on 23/7/2020 when he was proceeding to the Police Station in his private car in the evening hours, he saw that applicant and the other accused were present with 20-30 other persons as well. They were quarreling amongst themselves and when he parked his car and was about to alight he saw that all these

persons fled from the spot. There was a black Scorpio vehicle. Some of these persons while fleeing in that vehicle fired 3 times and successfully fled. He called the police staff and in search found an empty shell of a bullet lying on the ground. He therefore, suspected that there was an attempt of murder and the aforementioned offences were committed.

3] The learned advocate for the applicant would submit that the applicant is being falsely implicated. The F.I.R. is as vague as it can be. There is no material to show that the applicant had made any attempt to kill someone. It is therefore, doubtful if Section 307 of the I.P.C. can be invoked. So far as the other offences under the Indian Penal Code are concerned they are all bailable. It is only offence punishable under Arms Act that is non-bailable. Already couple of revolvers have been recovered during investigation from other accused. Though the applicant is involved in few other crimes either he has been acquitted or the crimes have been registered subsequent to the registration of the present crime. He is ready to even attend the police station daily. His custodial interrogation is not necessary as no one has been injured and the application be allowed.

4] The learned A.P.P. opposes the application. He submits that the offence is serious. It is a matter of investigation as to at whom the shots were fired, the fact remains that the shots were fired and an empty shell was found on the spot. Though the weapons have been recovered from some other co-accused the applicant is a history sheeter. Even after registration of this crime, he is involved in couple of other crimes. He would then submit that there is a statement of an important witness who is owner and driver of the car. The applicant alongwith few other persons abducted him and he was taken from

place to place. The movement of the applicant was stated to be suspicious during all this time. His custodial interrogation is highly necessary and the application be rejected.

5] The applicant has been named in the F.I.R. It has been alleged by a Police Inspector that the applicant being a history sheeter, in as much as several crimes have been registered against him before and after the incident and therefore, it is but natural that the informant Police Inspector must have identified him even in the mob. An empty shell has been found at the spot after the accused persons had fled by firing shots.

6] Co-accused have discovered couple of revolvers. The applicant was in their company. Though some of the crimes against him are registered after present incident, and though in one of the matters he has also been acquitted, the fact remains that he has been involved in various crimes of serious nature over a period of time.

7] There is a statement of the witness Akshay Vijay More who is stated to have been forcibly made to sit in the back seat and was taken around from place to place. Pertinently this episode had occurred around the same time. He has further stated that even he was made to alight at a place after he was assaulted and then the applicant and the other accused Rohit Swami fled away by taking his car.

8] Considering all the aforementioned facts and circumstances, the applicant is not entitled to the discretionary relief of anticipatory bail.

9] The Application is rejected.

**[MANGESH S. PATIL, J.]**

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