

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 355 OF 2021

Sachin Chindhu Sonawane

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A.G. Talhar, Advocate for the applicant.

Mr. Y.G. Gujarathi, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 29th June, 2021.

PER COURT :

1. This application under Section 439 of the Code of Criminal Procedure is filed for releasing the applicant on bail.

2. Heard Shri Talhar, learned counsel for the applicant and Shri Gujarathi, learned APP for the State.

3. It is the prosecution case that on 8th November, 2021, at 6.00 pm, applicant and other three accused in collaboration with each other intercepted the car of the informant bearing No. MH 19 AE 6286. The inmates of the car were asked to get down and the informant was made to sit on the backseat of said Omni car. The

applicant along with other three accused pushed the informant into the Omni car but somehow the informant managed to escape. Thereupon, the applicant fired three rounds of revolver at the informant. However, none of the bullets hit the informant. On these allegations, First Information Report came to be lodged on 9th November, 2020 on the basis of which offence under Sections 307, 120(B), 341, 364, 511 read with Section 34 of the Indian Penal Code and Section 3/25 of the Indian Arms Act came to be registered against the applicant.

4. Learned counsel Shri Talhar submitted that there is no evidence against the applicant. The informant was not injured in the incident. Therefore, there is no question of conversion of the offence into aggravated one. He, therefore, prayed for releasing the applicant on bail.

5. Learned APP submitted that the applicant had fired three rounds at the informant. But the informant survived. He submitted that the offence is serious in nature. Ballistics report is awaited. He, therefore, prayed that the applicant may not be released on bail.

6. On perusal of the charge-sheet, it appears that the only

allegation against the applicant is that he had fired three rounds of revolver at the informant. However, the informant did not sustain any bullet injury. Nor it is the case of the prosecution that the informant sustained any other injury because of the assault by the applicant. There is no possibility of conversion of the offence into graver one. Moreover, the applicant does not have any criminal antecedent. It is not the case of the prosecution that the applicant will not be available for trial. In this view of the matter, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- I) Application is allowed.
- ii) 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. 214/2020 registered with Ajintha Police Station, District Aurangabad, for the offences punishable under Sections 307, 120(B), 341, 364, 511 read with Section 34 of the Indian Penal Code and Section 3/25 of Indian Arms Act (Sessions Case No. 56/2021).
- iii) Application stands disposed of.

(M. G. SEWLIKAR)
Judge