

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

921 ANTICIPATORY BAIL APPLICATION NO.458 OF 2021

Vishal Manohar Gadilkar,

...Applicant.

VERSUS

The State of Maharashtra

...Respondent.

...

Mr. Niteen V.Gaware, Counsel for the applicant
Mr. V.S.Badakh, APP for the respondent-State

...

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd OCTOBER, 2021

PER COURT:

1] The applicant is seeking pre-arrest bail in Crime No.0133 of 2021 registered at Cantonment Chhawani) Police Station, Aurangabad for the offences punishable under Sections 25 and 3 of Arms Act, 1959 and Section 506 read with 34 of Indian Penal Code (for short, 'IPC').

2] The First Information Report (for short, 'FIR') was registered on 31st March, 2021. In nutshell, the case of the prosecution is that the marriage of the complainant was decided to be solemnized with a girl, who is related to the complainant. The applicant is also relative of the complainant. The proposal of the same girl was previously shown to the applicant for performing marriage. However, on account of the difference in age, the proposal was cancelled. It is alleged that the applicant was angry on account of cancellation of marriage proposal

and was threatening the complainant and others. On 31.03.2021, the complainant was sleeping at his residence, which is situated in the hotel premises. The servant was sleeping on the front side of the hotel. The complainant heard the sound of firing and came out. The CCTV Footage indicated that two unknown persons had come near the hotel and fired bullet from the pistol. The bed sheet utilized by the servant indicates that the bullet had touched it and empty was found at the scene of the offence. It was suspected that the applicant was involved in this incident.

3] Interim protection was granted to the applicant by order dated 11th May 2021 and the applicant is directed to co-operate with the Investigation Agency with direction to attend the police station once in a week on every Monday.

4] Learned counsel for the applicant submitted that except suspicion, there is no evidence against the applicant. The applicant has complied the directions of reporting and he has co-operated with the investigation. Nothing incriminating has been revealed to show his involvement in the crime.

5] Learned APP submitted that one accused is arrested on 28.04.2021. He is allegedly the person, who was involved in firing the

bullet from the arm. However, on instructions, it is submitted that during the interrogation, he did not disclose the involvement of the applicant in the crime.

6] It is noted that the applicant had appeared before the Investigating Officer in compliance with the order passed by this Court. In these circumstances, the interim relief granted by this Court vide order dated 11th May, 2021 can be confirmed.

ORDER

- (i) Anticipatory Bail Application No.458 of 2021 is allowed.
- (ii) Interim order dated 11th May, 2021 is confirmed.
- (iii) In the event of arrest of applicant in connection with Crime No.0131 of 2021 registered at Cantonment (Chhawani) Police Station, Aurangabad, the applicant be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (iii) The applicant shall report the Investigating Officer as and when called for, till filing charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)