

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

**928 BAIL APPLICATION NO. 958 OF 2021
WITH APPLN/2126/2021 IN BA/958/2021**

**SHAIKH BABAR SHAIKH SHERU
VERSUS
THE STATE OF MAHARASHTRA**

Shri. A. K. Bhosale, Advocate for the applicant
Shri. P. G. Borade, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 28th OCTOBER, 2021

PER COURT :-

1. Heard.
2. Application for assist to Public Prosecutor is allowed.
3. It is the allegation in the FIR that informant was proceeding on motorcycle MH-17 BB 2020 on 29th October, 2020. At about 4.30 to 4.50 p.m., he came near Sadatnagar rickshaw stand. At that very moment two persons came on the motorcycle from his behind. The pillion rider of the motorcycle was the servant working with uncle of the

informant. The said servant fired from country made pistol at the informant. The bullet hit the left thigh of the informant. Those two assailants again tried to fire in the direction of the informant but the bullet did not get loaded. Thereafter, this report came to be filed on the basis of which offence under Sections 307, 341, 201, 120B, 504 read with Section 34 of the Indian Penal Code, under Section 3, 25 of Arms Act and under Section 135 of Maharashtra Police Act came to be registered.

5. Shri. Bhosle, learned counsel for the applicant submits that there is a land dispute between the uncle of the informant and the family of the informant, on account of which, this false complaint came to be lodged. He further submits that fire arm is not seized. The informant had sustained simple injury and was discharged from the hospital on the same day.

6. Learned APP does not dispute this position. However, the learned APP and Shri. Pande, learned counsel

for the informant assisting APP opposed the application on the ground that offence is serious in nature.

7. Charge-sheet is filed. Therefore, further detention of the applicant does not seem to be necessary. Admittedly, fire arm is not seized. Therefore, the sending of the same to the Ballistic Expert does not arise. Informant was admitted in the hospital and on the same day he was discharged. Injury report shows that he had simple injury. In this view of the matter and since charge-sheet is filed, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 343 of 2020 under Sections 307, 341, 201, 120B, 504 read with Section 34 of the Indian Penal Code, under Section 3, 25 of Arms Act and under Section 135 of Maharashtra Police Act registered with Satara Police Station, Dist.

Aurangabad.

3. Application is disposed of.
4. Pending application, if any, stands disposed of.
5. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp