

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

BAIL APPLICATION NO. 1123 OF 2021

Pankaj Changdeo Bankar,
Age : 31 years, Occu. Business,
R/o. Shanishingnapur, Tq. Newasa,
Dist. Ahmednagar.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Shri. Joydeep Chatterji, Advocate for the applicant
Shri. N. T. Bhagat, APP for respondent / State
.....

CORAM : M. G. SEWLIKAR, J.

DATE : NOVEMBER 22, 2021

PER COURT : -

1. Heard learned Counsel for the applicant and the learned APP for respondent / State.

2. Allegations against the applicant and other accused are that the deceased Ganesh Bhutkar (brother of the informant Rameshwar) and Avinash Changdeo Bankar were not on good terms. Therefore, on 20.12.2017, Avinash Changdeo Bankar, at 10:00 am, assaulted the deceased-Ganesh by means of an axe. Accused Lakhani Dhage stabbed the deceased-Ganesh by means of a sword. The only

role attributed to the applicant and the co-accused Ajun Mahale is that both of them were wielding the pistol. The deceased–Ganesh died in the hospital. On the FIR of Rameshwar, the offence under Sections 302, 506, 143, 147 r/w 149 of the Indian Penal Code, 3/25, 4/25 of the Indian Arms Act and under Sections 37(1)(3)/135 of the Maharashtra Police Act, came to be registered against the applicant and other accused with Shani Shingnapur Police Station, Dist. Ahmednagar.

3. Charge-sheet has been filed. On perusal of the FIR and the statement of witnesses, it appears that the role ascribed to the applicant is of wielding of pistol only. The applicant did not assault the deceased–Ganesh. He was simply standing there with pistol in his hand. Applicant has no criminal antecedents. Nothing has been brought on record indicating that if the applicant is released on bail, he will not be available for trial.

4. Having regard to the above and that the offences are pretty old, I am inclined to release the applicant on bail. Hence, the following order.

ORDER

[i] The application is allowed.

[ii] Applicant – Pankaj Bankar be released on bail on his furnishing PR bond of Rs. 30,000/- (Rupees Thirty Thousand) with one solvent surety in the like amount in connection with Crime No. 48/2017 registered with Shanishingnapur Police Station, Dist. Ahmednagar, for the offences punishable under Sections 302, 506, 143, 147 r/w 149 of the Indian Penal Code, Sections 3/25, 4/25 of the Indian Arms Act and under Sections 37(1) (3), 135 of the Maharashtra Police Act.

[iii] Application is disposed of.

[M. G. SEWLIKAR]
JUDGE