

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

940 BAIL APPLICATION NO.1180 OF 2021

Jugal s/o Sanjay Bagul
Age: 24 years, Occ.: Business,
R/o. Plot No.20, Dandekar Nagar,
Pimparala Road, Jalgaon. ..Applicant

VERSUS

The State of Maharashtra,
Through : Police Inspector,
Ramanand Police Station,
Jalgaon. ..Respondent

...
Advocate for Applicant : Shri Suresh Madhusudan Kulkarni
APP for Respondent : Shri P.G.Borade
...

**WITH
BAIL APPLICATION NO.1145 OF 2021**

Mangalsing Yuvraj Patil (Rajput)
Age: 32 years, Occ.:
R/o. Near Khanderao Nagar Railway Pool,
Harivitthal Nagar, Jalgaon, Dist.Jalgaon. ..Applicant

VERSUS

The State of Maharashtra,
Through its Ramanand Nagar Police Station,
Jalgaon, Tq. and Dist.Jalgaon. ..Respondent

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Advocate for Applicant : Shri Harshal Prakash Randhir
APP for Respondent : Shri P.G.Borade
...

CORAM : M.G.SEWLIKAR, J.

DATE: 14th October, 2021

PER COURT :-

1. Both these applications can be disposed of by a common order as they arise out of the same offence.
2. Both these applications are filed under Section 439 of the Code of Criminal Procedure for releasing the applicants on bail in connection with Crime No.0213 of 2021, registered with Ramanand Police Station, Dist.Jalgaon, under Sections 307, 341, 504, 506, 507, 120(B) read with 34 of the Indian Penal Code and Section 3, 25 of the Indian Arms Act.
3. It is alleged in the First Information Report (FIR) that on 25th July, 2021 at 02:30 p.m. there was a quarrel between Nitin Bhimsing Patil, Nilesh Thakur, Umesh Patil and all of them had gone to the Police Station for lodging complaint. On learning this, the informant went to the Police Station and effected settlement amongst them.
4. It is further alleged that at 08:39 p.m. the informant received a phone call. The caller was one Birhade and he had said that they would not leave Nitin Rajput and Nitin will be done away with and if he intervenes, he would also meet same fate. It is further alleged that at 08:55 p.m. again he got a phone call

from Birhade and the informant was threatened that he would be eliminated. The informant was returning home along with Anil Jamunaprasad Yadav on his motorcycle. When they reached a wood depot at Pimprala Hudco road, one Innova Car of grey colour came there. They intercepted the motorcycle of the informant. The occupants of the Innova Car were accused Mahendra Rajput, Umesh Rajput, Mangal Rajput, Birhade. The window pane of the Innova Car was rolled down. Accused Mahendra Rajput and Umesh Rajput wielded Pistol at the informant. The informant lost his nerve and started proceeding towards his house. Innova Car started chasing them. When Car came near Hanuman Temple in Anand Mangal Colony, a bullet was fired from the Pistol. Soon thereafter, Innova Car arrived. All the occupants of the Innova Car got down and started abusing the informant. Accused Mahendra Rajput fired a gunshot. The informant's wife and children came in the gallery. At that time, accused Umesh Rajput fired in the direction of wife and children of the informant. Umesh Rajput again fired in the direction of the informant. Thereafter, all the accused went away. On these allegations, FIR came to be lodged under the aforesaid Sections.

5. Heard Shri S.M.Kulkarni, learned counsel for the applicant

in Bail Application No.1180 of 2021, Shri Harshal Prakash Randhir, learned for the applicant in Bail Application No.1145 of 2021 and Shri P.G.Borade, learned APP for the respondent-State.

6. Shri Kulkarni, learned counsel for the applicant in Bail Application No.1180 of 2021 submits that the applicant was not present at the spot. At the time of the incident, the applicant was having lunch with the other accused. On this ground alone the applicant has been roped in. He further submits that no recovery is effected against the applicant. FIR does not show his presence. He, therefore, seeks release of the applicant.

7. Shri Harshal Prakash Randhir, learned counsel for the applicant in Bail Application No.1145 of 2021 submits that the applicant was present at the spot but there is no allegation in the FIR that he fired either in the direction of the informant or in the direction of his wife and children.

8. Shri Borade, learned APP for the respondent-State submits that though no injury was caused, three bullets were fired. He submits that offence being serious, applicants may not be released on bail.

9. On perusal of the investigation papers, it is seen that no recovery is made from applicant Jugal Sanjay Bagul. Similarly, no recovery is effected from applicant Mangalsing Yuvraj Patil. One live cartridge was found at the spot. No role is attributed to any of the applicants. In this view of the matter, further detention of the applicants is not warranted. The applicant Jugal Bagul was arrested on 15th August, 2021 and applicant Mangalsing Patil was arrested on 5th August, 2021. Shri Harshal Prakash Randhir, learned counsel states that applicant Mangalsing Patil himself surrendered before the Police.

10. Having regard to the nature of the offence and the role of the applicants, a case for bail is made out. There are no criminal antecedents against any of these applicants. In view of this, I am inclined to release the applicants on bail. Hence, the order:

ORDER

- i) Bail Application Nos.1180 of 2021 and 1145 of 2021 are allowed.
- ii) Each of the Applicants be released on P.R.Bond of Rs.30,000/- (Rs.Thirty thousand only/-) with one solvent surety in the like amount, in connection with Crime No.0213 of 2021, registered with Ramanand Police Station, District Jalgaon, under Sections 307, 341, 504, 506, 507, 120(B), read with Section 34 of the Indian Penal Code, and under Sections 3, 25 of the Indian Arms Act.

iii) Bail Applications are disposed of.

iv) It is clarified that the observations made in the above order are restricted to the decision of these applications only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT