

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.542 OF 2021**

Vaibhav Suryabhan Bedare .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Ritesh Thobde for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 11TH AUGUST, 2021.

P.C:-

1. The Applicant is charge-sheeted in C.R. No.563 of 2018 registered with Phaltan Rural Police Station for offences punishable under Sections 307, 326 read with Section 34 of the IPC and Sections 3/25 and 27 of the Arms Act.

2. The said C.R. is registered on the information given by one Gulab Bhandarkar on 28/12/2018, where he allege that he had a

previous animosity with one Dayanand Gavade and Vijay Gavade since last election. On account of a brawl, which had occurred in the last year feast (*yatra*), complaints were lodged. On being admitted in the hospital, he stated that on 28/12/2018, while he was en-route to his house, he saw Vijay Gavade and there was one unknown person walking behind him, who fired at him, causing an injury in his back. He stated that the person, who fired at him is not known to him, but he will be in a position to recognize him, if shown.

On 29/12/2018 i.e. on the next day, his supplementary statement came to be recorded, where he allege that an unknown person fired at him in his back and, when he fell down, he saw that Vijay Gavade and two unknown persons had arrived on the spot on a motorcycle. Vijay Gavade is alleged to have bellowed that his boss had asked this man to be eliminated.

On 14/02/2019, the informant gave another statement, where he referred to the previous animosity with one Kalyan Gavade and referred to a dispute revolving around a piece of land and execution of the Sale Deed *qua* the said land. The informant states that it is informed to him by the police that Kalyan Gavade and his cousin were aggrieved by the Sale Deed being executed by the Complainant and his friends and the contract for eliminating him was given for consideration of Rs.2 lakhs.

The actual incident, which occurred on 28/12/2018 is narrated by him to the effect that when he was riding on his

Moped vehicle towards Barad, one Amar Bedare and Vaibhav Bedare (present Applicant) fired at him with a revolver and he sustained a firearm injury in his stomach. Thereafter, he started running away, leaving his motorcycle in the field and he was chased by Amar Bedare. The informant states that he threw his mobile phone at him, but since he did not desist, he pelted stones at him. However, the first pistol did not fire and, thereafter, the magazine had fallen down, he fled away on his motorcycle.

3. The three separate statements; depict a different version, everytime. The Medico Legal Certificate record a bullet injury and the entry site of the wound on the right side of the back whereas, the exit site is the midline anterior abdominal wall near above the umbilicus. The injury is grievous.

4. The charge-sheet compiles statements of several persons and one Babaso Jayappa Parse, who was standing at one Tea kiosk, who states that the Complainant arrived at Barad S.T. Bus Stand on his motorcycle and after parking his vehicle informed that he has been shot. Blood was seen on his shirt and he was screaming that he had been shot by one Gavade. He was taken to the hospital. Various statements of witnesses have been compiled in the charge-sheet, which are hearsay and the witnesses have deposed that from the discussions, which took place in the village and through the police, they were made aware of the firing on the Complainant and about the assailants.

5. Taking into account the material compiled in the charge-sheet, the co-accused Vijay Gavade has been released on bail by this Court on 11/02/2019. The version of the Complainant, will have to be tested at the time of trial and the complacency of the Applicant in the said crime would surface on the prosecution witnesses being examined along with the Complainant himself, who is an injured. The investigation is complete, the charge-sheet is filed and the Applicant is incarcerated since 11/02/2019. *Prima facie*, taking an overall view of the material contained in the charge-sheet qua the present Applicant, he is entitled to be released on bail subject to the following stipulations:

: ORDER :

- (a) The Applicant – **Vaibhav Suryabhan Bedare**, shall be released on bail in C.R. No.563 of 2018 registered with Phaltan Rural Police Station, District Satara, on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

6. The Application is disposed of in the aforestated terms.
7. The observations made above are *prima facie* in nature and only limited for the purpose of grant of bail.
8. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]