

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1662 OF 2021

JASPREET SINGH AMARJEETSINGH SATYAL)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Shirish Gupte i/b. Ms.Swapna Kode, Advocate for the Applicant.

Mrs.P P Shinde, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

**RESERVED ON : 6th DECEMBER 2021
PRONOUNCED ON : 16th DECEMBER 2021**

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.11 of 2021 registered with Police Station Sangvi, Pune, for offences punishable under Section 307 of the Indian Penal

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Code (IPC), under Sections 3(25) (27) of the Arms Act and under Section 37(1) read with 135 of the Maharashtra Police Act.

2 Informant had performed second marriage with one Manisha Thorat. She had informed the informant about her having love affair with applicant before solemnisation of their marriage. Despite knowledge of this fact, the informant married her on 27th October 2020.

3 The prosecution alleges that on 9th January 2021, at about 9.30 p.m., when the informant and his wife along with a four year old neighbour's kid were taking stroll after the dinner, suddenly an unknown person came from behind and fired at the informant, resulting in the bullet brushing his right ear. When they raised commotion, the assailant fled away. The informant, later on, on the ground of suspicion that it must be the applicant behind the incident, lodged the First Information Report (FIR) against him.

4 Mr. Shirish Gupte, learned senior counsel, for the applicant, submits that neither the applicant's name is revealed as an assailant nor the incident in question had occurred at the instance of the applicant. According to the learned senior counsel, if the applicant had been there, he would have been immediately identified by the informant's wife. Even there is no recovery at the instance of applicant. Investigation is over and charge-sheet has been filed. In such circumstances, no purpose would be served by keeping the applicant behind the bars.

5 Smt. P. P. Shinde, learned APP, on the other hand, opposed the submissions by contending that there is statement of witness, namely, Irfan @ Bablu Idris Shaikh who clearly states the role of the present applicant. Having regard to the nature of offence, the application deserves to be rejected, argued learned APP.

6 Perused the investigation papers. The very FIR itself has been filed on the ground of suspicion against the present

applicant. It is also not disputed that no recovery is shown at the instance of applicant. Although learned APP placed reliance on statement of Irfan @ Bablu Idris Shaikh but a careful reading of his statement would show that this witness came to know that one Sunil Hiwale and the applicant had planned to shoot the informant. Again, the information of this witness appears to be of hearsay nature. The statement of this witness was again recorded on 8th February 2021 under Section 164 of the Cr.P.C. by Judicial Magistrate First Class, Pimpri, Pune. I have gone through this statement also. This statement is nothing but repetition of the earlier statement which I have referred to. Except this, there is nothing on record to connect the applicant with the alleged offence.

7 Having regard to the material on record, the applicant deserves to be enlarged on bail. Hence, I pass the following order :

ORDER

- (i) Applicant – Jaspreet Singh Amarjeet Singh Satyal shall be released on bail in Crime No.11 of 2021 registered with Police Station Sangvi, Pune, on his executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in like amount.
- (ii) Bail before the trial Court.
- (iii) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (iv) It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.
- (v) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)