

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

ANTICIPATORY BAIL APPLICATION NO. 1326 OF 2021

Vijay Vishnu Khade .. Applicant
Vs.
The State of Maharashtra .. Respondent

Mr. Shantanu R. Phanse for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent-State.
Mr. Prashant Patil, complainant present.

CORAM : PRAKASH D. NAIK, J.
DATE : 11th JUNE, 2021.

P. C. :

1. Leave to amend to implead complainant as respondent.
2. This is an application for anticipatory bail in C.R. No. 299 of 2021 registered with Baramati Taluka Police Station for the offence under Sections 307, 504, 506 of the Indian Penal Code. The FIR was registered on 05.05.2021.
3. The complainant has alleged in the FIR that one unknown person alighted from the jeep and fired in air. FIR was registered against unknown person for the offence under Sections 27, 3 of the Arms Act and Sections 504, 506 of the Indian Penal Code. Subsequently Section 307 of the Indian Penal Code was invoked.
4. The case of the prosecution is that subsequently the statement of the complainant was recorded in which he had alleged that the applicant is a person who had fired. Learned APP submitted that while the application for anticipatory bail was heard before the Sessions Court, complainant submitted that the applicant was not involved in the crime.
5. Learned Advocate for complainant submitted that the complainant has no objection for allowing this application and that applicant is not involved in this case.
6. It is pertinent to note that the FIR was against the unknown

person. It is debatable how Section 307 of the IPC could be applied in the case.

7. Considering the factual aspects of the case, the applicant need not be subjected to custodial interrogation. Hence, the order:

ORDER

- (i) In the event of arrest of applicant in C.R. No. 299 of 2021 registered with Baramati Taluka Police Station, the applicant be released on bail on executing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall report the police station as and when called for.
- (iii) The application stands disposed of.

[PRAKASH D. NAIK, J.]