

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1217 OF 2020**

Shrinath Ashok Badade ... Applicant

V/s.

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.1221 OF 2021**

Sameer Ashok Badade ... Intervenor

In the matter between

Shrinath Ashok Badade ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Aniket U. Nikam a/w Mr. Aashish Satpute i/b. Mr. Vivek Arote,
Advocate for the Applicant.

Mr. Paresh More, Advocate for the Intervenor/ Complainant.

Ms. M.H. Mhatre, APP for the Respondent – State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 7th MAY 2021.

P.C. : Through Video Conferencing.

1. Heard the learned counsel for the applicant and the
learned counsel for the Respondent – State.

2. This is an application under section 439 of Code of

Criminal Procedure, 1973. The application is charge sheet for the offences punishable under section 307 of the Indian Penal Code and section 3(25) of the Arms Act and under section 135 of the Maharashtra Police Act.

3. It is the case of the prosecution that he was admitted in Dhanwantari Hospital, Saswad alleging therein that on 20th April 2018 he had attended a program in the Shreenath Mhalsoba Temple. He was accompanied by Akshay Rajwade and other friends. That the present applicant was in the parking with motorcycle and he was carrying a country-made pistol. The complainant had sought permission to see the pistol and at that time, the applicant herein had taken him under a tree and had shot him. The statement of the complainant was recorded under section 164 of Cr.P.C. on 31st March 2019 and he has submitted before the Judicial Magistrate, First Class, Saswad that on 20th April 2018 when he had been to the temple at about 8.00 pm, he had gone to answer nature's call under a Mango Tree and at that time, he did not realise as to who had shot him in his thighs. According to him, the present applicant along with other friends had taken him to the Hospital and he was operated. According to him, he had not alleged

any other act to any person much less the present applicant and that he was not sure as to who had shot him in the thighs. In view of the statement of the complainant under section 164 of Cr.P.C., the applicant deserves to be enlarged on bail. Hence, the following order :-

ORDER

- (i) Application is allowed;
- (ii) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one more solvent sureties in the like amount;
- (iii) Bail Application No.1217 of 2020 is disposed of on above terms.
- (iv) In view of this, Interim Application No.1221 of 2021 is disposed of on above terms.

(SMT. SADHANA S. JADHAV, J)