

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2576 OF 2021**

Krushna @ Chotya Dattu Pawar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Hrishikesh Giri, for the Applicant.

Smt. P. P. Shinde, APP, for the State-Respondent.

CORAM : V. G. BISHT, J.

RESERVED ON : 28th October, 2021.

PRONOUNCED ON : 16th November, 2021.

PC:-

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. 298 of 2020 registered with Niphad Police Station, District-Nashik for the offences punishable under Sections 307, 452, 427, 323, 504, 506 r/w 34 of the Indian Penal Code and Section 3(27) of the Indian Arms Act.

2 It is the case of prosecution that one Savindra Suresh Pimple is a step father of informant. Accused- Kamlesh Suresh Pimple is the step brother of informant's step father. The informant and applicant were not on good terms.

3 Prosecution alleges that on 13/06/2020 at about 5-15 p.m. while informant and her parents and cousins were watching T.V, applicant along with accused Kamlesh Suresh Pimple came abusing and started giving kicks to the door of the house. As they did not open the door, they broke open it and entered into the house and started beating the father of informant by fists and kick blows. It is further alleged that the applicant then took out a pistol and gave it to accused Kamlesh Suresh Pimple, who fired at informant's father but as informant's father ducked, the bullet hit to the fish tank. It is further alleged that the applicant also beat informant's mother by fists and kick blows. Somehow the informant informed Nashik Control Room and later on lodged the report.

4 Mr.Giri, learned Counsel for the applicant, submits that reading of the FIR would show that the applicant had not only allegedly given the pistol to the accused Kamlesh but said accused in turn had fired at father of informant. The next allegation is that the applicant had also beaten the mother of informant by fists and kick blows. According to learned Counsel, investigation is completed and charge-sheet is filed. There are no criminal antecedents and in such circumstances, applicant may be enlarged on bail.

5 Ms. Shinde, learned APP, on the other hand, opposed the submissions by contending that the intention of the applicant and other accused was to kill the father of informant and they did so by means of a pistol. It may be that the bullet had not hit the target but then intention was clear to kill the father of informant. Having regard to the nature of offence, the present application does not deserve consideration, argued learned APP.

6 I have carefully gone through the investigation papers and FIR. The role attributed to the present applicant is that he had handed over a pistol to another accused, namely, Kamlesh Suresh Pimple, who had fired at informant's father but the same did not hit. The next allegation against the present applicant is that he also had beaten the mother of informant by fists and kick blows.

7 Having regard to the nature of accusation and fact that the investigation is completed leading to the filing of charge-sheet, in my considered opinion, no useful purpose will be served by keeping the applicant behind the bar. Also, no criminal antecedents are brought on record. The trial may take considerable time. In such circumstances, the applicant has made out a case for bail.

8 In view of above, I am inclined to allow the application. Hence, the following order.

ORDER

(i) Applicant- Krushna @ Chotya Dattu Pawar shall be released on bail in C.R. 298 of 2020 registered with Niphad Police Station, District-Nashik on his executing P .R. bond in the sum of Rs.25,000/- with one or more sureties in like amount.

(ii) The applicant shall not tamper with the prosecution evidence and shall attend the trial regularly.

(iii) The observations made herein-above are prima-facie in its nature for the purpose of deciding the bail application only. The trial Court shall not be influenced by the observations while deciding the case on merits.

(iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) The application is allowed in the aforesaid terms.

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Rekha Patil

(V. G. BISHT, J.)