

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3064 OF 2021**

Amar Dhanraj Bedare	...	Applicant
Versus		
State of Maharashtra	...	Respondent

Mr. Ritesh Thobde, for the Applicant.

Mr. H. J. Dedhia, APP, for the State-Respondent.

CORAM : V. G. BISHT, J.

**RESERVED ON : 26th October, 2021.
PRONOUNCED ON : 15th November, 2021.**

PC:-

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 563 of 2018 registered with Phaltan Rural Police Station, Tal. Phaltan, District-Satara for the offences punishable under Section 307 r/w 34 of the Indian Penal Code and Section 3/25 and 27 of the Arms Act.

2 It is the case of prosecution that on 23/12/2018 at about 5.00 p.m. to 6.00 p.m. while the informant was proceeding towards his house from Barad, he saw Vijay Gawade near Miravali Peer on Baral-Gunware

Road. An unknown person accompanying Vijay Gawade came from behind and fired bullet shot on his back and caused injury. He accordingly lodged the FIR.

3 Mr. Thobade, learned Counsel for the applicant, submits that he is seeking parity on the ground that the another accused Vaibhav Bedar is enlarged on bail by this Court (Coram:Smt.Bharati Dangre,J.) on 11/08/2021. According to learned Counsel, there is no eye witness to the incident. Even there are different versions of informant. Only evidence against him is in the form of recovery and nothing else. Therefore, the present applicant also deserves to be enlarged on bail, urged learned Counsel.

4 Mr. Dedhia, learned APP, on the other hand, fairly submits that the evidence appearing against the present applicant is in the form of disclosure statement recorded under Section 27 of the Evidence Act and then submitted that appropriate order be passed.

5 Perused investigation papers. It appears that immediately on the next day of the lodging of the report, the statement of informant again came to be recorded wherein he alleged that an unknown person fired at

his back. He saw Vijay Gawade and two unknown persons had arrived at the spot on a motorcycle. Interestingly, in the FIR the informant had stated that there was only one unknown person along with one Vijay Gawade. Certainly the subsequent statement came to be recorded by way of improvement. Even the said Vijay Sadashiv Gawade is released on bail by this Court (Coram: Nitin W. Sambre, J.) on February 11, 2019.

6 Then there is a disclosure statement of the applicant recorded under Section 27 of the Evidence Act whereby he agreed to produce pistol used in the commission of the offence and accordingly produced it before the Investigating Officer and same came to be seized under the seizure panchanama. Thus, except this there is nothing on record.

7 Various statements recorded during the course of investigation appears to be are in hearsay nature.

8 Having regard to the material produced on record and the fact that other co-accused have already been released on bail by this Court, I do not find any reason not to allow the present application. Moreover when investigation is completed and charge-sheet has been filed, no useful purpose will be served by keeping the applicant behind the bar.

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

ORDER

(i) Applicant- Amar Dhanraj Bedare shall be released on bail in C.R. No. 563 of 2018 registered with Phaltan Gramin Police Station, District-Satara 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 directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(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.)