

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (BA) NO. 22/2021
WITH
CRI.APPP: 32/2021
(Sushant s/o Samadhan Khandare vs. State of Maharashtra)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. M B Vaidya, Advocate for the applicant
Ms. Nivedita Mehta APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 8th February, 2021

1. The applicant has filed the present Application under Section 439 of the Cr.PC. seeking bail for offence punishable u/ss. 307, 120B, 115, 385, 386 of the Indian Penal Code and u/ss. 3 and 25 of the Arms Act, registered at Police Station, Malegaon, in respect of Crime No. 349/2020.

2. I have heard learned counsel for the respective parties. Perused the case-papers.

3. The prosecution case in brief is that on 24.07.2020, when the complainant and six other teachers were present in the School, the applicant shoot at them with a pistol, however the shot was missed and no one was injured. It is alleged that as the friend of the applicant, who is a teacher in the School, namely, Gajanan Ingle was demoted, the applicant got annoyed and committed the said act.

4. Learned APP opposed the Application.

5. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution, it is amply clear that the applicant has shot at the mob, however, the shot was missed and no one was injured.

6. Considering the facts and circumstances of the matter and the manner in which the incident had taken place and as the investigation is complete and charge-sheet is filed, I am of the opinion that the applicant can be enlarged on bail by imposing certain conditions. Hence the order :-

ORDER:

The applicant-Sushant s/o Samadhan Khandare, be released on bail, for offence punishable u/ss 307, 120B, 115, 385, 386 of the Indian Penal Code and under sections 3 and 25 of the Arms Act, registered at Police Station Malegaon in respect of Crime No. 349/2020, on his executing a PR bond in the sum of Rs. 20,000/- (rupees twenty thousand) with one or two solvent sureties in the like amount, on the following conditions :-

(i) He shall attend the concerned Police Station, on every 2nd and 4th Saturday of each month, between 11.00 and 2.00 pm, till the trial commences.

(ii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.

- (iii) He shall not tamper with the prosecution witnesses in any manner.
- (iv) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

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In view of disposal of main Application, this Application does not survive. The same is disposed of.

JUDGE

sahare