

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**26 BAIL APPLICATION NO.213 OF 2022**

**UMESH PANDURANG PATIL (RAJPUT)  
VERSUS  
THE STATE OF MAHARASHTRA**

Shri. Satej S. Jadhav, Advocate for the applicant  
Smt. R. P. Gour, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.  
DATED : 28<sup>th</sup> February, 2022**

**PER COURT :-**

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No. 213 of 2021 registered with Ramanand Nagar Police Station, District Jalgaon for the offence punishable under Sections 307, 341, 504, 506, 507, 120-B read with Section 34 of the Indian Penal Code and under Sections 3/25 of the Indian Arms Act.

2. It is alleged in the FIR that on 25<sup>th</sup> July, 2021 at 02.30 p.m. there was a quarrel between Nitin Bhimsing Patil, Nilesh Thakur, Umesh Patil. All of them had gone to the Police Station for lodging complaint. On learning this, the informant went to

the Police Station and effected settlement amongst them.

3. It is further alleged that at 08.39 p.m. the informant received a phone call. The caller was one Birkhade and he had said that they would not leave Nitin Rajput and Nitin would be done away with and if he intervened, he would also meet the same fate. It is further alleged that at 08.55 p.m. again he got a phone call from Birkhade and the informant was threatened that he would be eliminated. The informant was returning home along with Anil Jamunaprasad Yadav on his motorcycle. When they reached a wood depot at Pimprala Hudco road, one Innova Car of gray colour came there. They intercepted the motorcycle of the informant. The occupants of the Innova car were accused Mahendra Rajput, Umesh Rajput, Mangal Rajput, Birkhade. The window pane of the Innova car was rolled down. Accused Mahendra Rajput and Umesh Rajput wielded pistol at the informant. The informant lost his nerve and started proceeding towards his house. Innova car started chasing them. When car came near Hanuman Temple in Anand Mangal colony, a bullet was fired from the pistol. Soon thereafter, Innova car arrived. All the occupants of the Innova car got down and started abusing

the informant. Accused Mahendra Rajput fired a gunshot. The informant's wife and children came in the gallery. At that time, accused Umesh Rajput fired in the direction of wife and children of the informant. Umesh Rajput again fired in the direction of the informant. Thereafter, all the accused went away. On these allegations, FIR came to be lodged under Sections 307, 341, 504, 506, 507, 120-B read with Section 34 of the Indian Penal Code

4. Learned counsel Shri. Jadhav submits that charge-sheet is filed. He submits that the accused from whom revolver is seized has been released on bail. He submits that the role of the applicant is lesser in comparison with the role of the applicant who has been released on bail. He submits that the applicant did not fire bullet.

5. Learned APP Smt. Gour submits that from the tenor of the FIR, it is seen that the bullet was fired by the applicant also. She submits that it is a serious offence and, therefore, applicant may not be released on bail.

6. Charge-sheet is filed.

7. On perusal of the charge-sheet it is seen that the ballistic report is not produced by the prosecution. It appears from the charge-sheet that revolver was not sent for the opinion of ballistic expert. From the FIR it appears that applicant also fired from the pistol. However, the statement of witness Sanjay Ahire shows that the accused Mahendra had fired once from the pistol and when he was about to fire second time, the applicant pulled him and made him sit in the car. From this statement it is clear that the applicant did not fire from the pistol. Having regard to this and considering that no one was injured in the alleged firing, I am inclined to release the applicant on bail. Hence the order.

### **ORDER**

1. Application is allowed.

2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 213 of 2021 under Sections 307, 341, 504, 506, 507, 120-B read with Section 34 of the Indian Penal Code and under Sections

3/25 of the Indian Arms Act registered with Ramanand Nagar Police Station, District Jalgaon, on condition that he shall not tamper the prosecution evidence.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**[M. G. SEWLIKAR, J.]**

ssp