

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1689 OF 2021

Pawan S/o Jagdish Bora (Sharma)

Applicant

Versus

The State of Maharashtra

Respondent

Mr. M.S. Choudhary, Advocate for the applicant.

Mr. V.S. Badakh, APP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 24th JANUARY, 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. 0397/2021 registered with Vaizrabad Police Station, Dist. Nanded, for the offences punishable under Section 307, 386, 452, 114, 120-B, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 3/25, 30 of the Arms Act.

2. Informant is the President of Nanded Crackers Association. It is alleged in the First Information Report that on 21st October, 2021, at about 12.45 to 1.30 pm, applicant had been to the

informant and alleged that informant and other members of the association have been selling duplicate fire crackers and China-made fire crackers. He demanded Rs. 40,000/- as ransom for not complaining against the informant.

3. It is alleged that on 29th October, 2021, in the afternoon, applicant came to the informant and threatened to kill him and started brandishing a revolver. On these allegations, First Information Report came to be lodged on 2nd November, 2021.

4. Heard Shri Choudhary, learned counsel for the applicant and Shri Badakh, learned APP for the State.

5. Learned counsel Shri Choudhary submits that applicant had complained against the informant for selling duplicate and China-made fire crackers. He submits that this was the trigger point for lodging false complaint against the applicant. He submits that applicant did not fire from the pistol but was just brandishing it. He submits that at the most, offence under Section 506(ii) of the Indian Penal Code can be made out.

6. Learned APP Shri Badakh submits that applicant has criminal antecedents. If he is released on bail, he may be directed not to enter Nanded town.

7. Charge-sheet is filed. It reveals that the incident took place on 29th October, 2021 whereas First Information Report came to be lodged on 2nd November, 2021. No explanation is assigned for delayed First Information Report. In addition to this, applicant is alleged to have only brandished the weapon i.e. revolver. There is no allegation in the First Information Report that the applicant fired from the revolver. Having regard to this, I am inclined to release the applicant on bail. Hence the following order :

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.15,000/- (Rs. Fifteen Thousand) with one solvent surety in the like amount in connection with Crime No. 0397/2021 registered with Vaizrabad Police Station, Dist. Nanded, for the offences punishable under Section 307, 386, 452, 114, 120-B, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 3/25, 30 of the Arms Act, on

condition that he shall not tamper the prosecution evidence.

iii) Application stands disposed of.

iv) 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)
Judge

dyb