

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.735 OF 2022

Mansing Vijay Bondre ...Applicant
Vs.
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.854 OF 2022
IN
CRIMINAL BAIL APPLICATION NO.735 OF 2022**

Abhishek Chandrakant Alias
Subhash Bondre ..Applicant

IN THE MATTER BETWEEN

Mansing Vijay Bondre ...Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.Aniket U. Nikam a/w Mr.Vivek N. Arote i/b Aashish Satpute
for the Applicant.
Mr.R.M. Pethe, APP for the Respondent-State.
Mr.Kunal Bhange for the Intervenor.

CORAM : C.V. BHADANG, J.

DATE : 12 APRIL 2022

P.C.

. By this application the applicant (Accused no.1) is seeking bail in Crime no 601/2021 of PS Juna Rajwada Kolhapur. The applicant along with three others has been chargesheeted for the offence punishable under section 307,201,506 read with

section 34 of IPC, for having made an attempt on the life of informant Abhishek Bondre. The applicant and the informant are neighbours. The accused no 2 and 3 are the friends, while accused no 4 is the driver, in the employment of the applicant.

2. The Applicant and the informant Abhishek Bondre are cousin brothers and there is a dispute between them in respect of certain ancestral property and management of *Shree Shahu Chatrapati Shikshan Santha*, which is an educational institution.

3. It is the prosecution case that on 13.12.2021 a birthday party of Yaduraj Yadav (Accused no 2) was organized at the residence of the applicant. It is said that during the celebration, the informant is alleged to have come out of the rear gate of the compound wall of his house to see what is happening. It is alleged that the applicant took the licenced 0.22 revolver of the accused no 2 and fired a shot at the informant in order to kill him. The informant ran in the house to save himself when the applicant is alleged to have fired multiple rounds towards the compound wall/house of the informant. It is also alleged that a video recording of the incident was made and was circulated on the social media.

4. The informant reported the matter to police at about 4 pm on 14.12.2021 whereupon an offence came to be registered. In this case after investigation a chargesheet is filed. The applicant was arrested on 15.1.2022 and is in custody since then.

5. The learned Sessions judge by an order dated 17.2.2022 has refused to release the applicant on bail

6. I have heard the learned counsel for the parties. Perused Record.

7. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated on account of the longstanding dispute between the parties in respect of the ancestral property and the management of the educational institute. The learned counsel however did not dispute that certain revolver shots were fired. It is however submitted that they were part of the birthday rivalries. It is submitted that although the act cannot be justified by any means, it was not part of any incident of alleged attempt on the life of the informant. It is submitted that the applicant is residing at Ambai Tank where the birthday party was arranged while the informant is residing at Ruikar Colony at a distance of 8 to 10 kms. It is submitted that the informant was not present at the house near

the residence of the applicant on the day of the incident which can be verified from the location of the mobile of the informant.

8. It is submitted that the complaint came to be lodged belatedly after the video of the birthday celebration was uploaded on the social media. It is submitted that it was a well thought of move to falsely implicate the applicant albeit taking undue advantage of the indiscreet act of the applicant to fire the shots(as part of the birthday celebrations) to make a video and to upload the same on the social media. It is submitted that the incident of the alleged attempt on the life of the informant by firing several rounds is improbable. It is submitted that the informant did not make any attempt to inform the police or to dial emergency police assistance from his house and the complaint came to lodged at about 4 pm on the subsequent day after the video was put on the social media. It is submitted that there is also no evidence of destruction of the evidence of the CCTV footage or the removal of the empty cartridges from the spot. It is submitted that in any event the offence under section 201 of IPC is a bailable offence. It is submitted that the investigation is complete and the chargesheet is filed and further detention of the applicant pending trial is not necessary particularly looking to his medical condition wherein he is suffering from diabetes and hypertension.

9. The learned APP assisted by the learned counsel for the informant has strongly opposed the application. It is submitted that the incident is serious in which an attempt was made on the life of the informant at the dead of night. It is pointed out that admittedly there is an enmity between the parties on account of the dispute as to the ancestral land and the management of the educational institution. It is submitted that the applicant is not even disputing the incident in which shots were fired though the revolver of the accused no 2. It is submitted that the issue whether they were fired as part of the birthday celebrations or were part of an incident of an attempt on the life of the informant is a matter which is required to be gone into at the trial. It is submitted that there is no delay in lodging the FIR given the nature of the incident. It is submitted that there is also evidence of the applicant tampering with evidence of the CCTV footage/ Hard disk and the removal of the empty cartridges from the spot. He therefore pointed out that the possibility of misuse of bail and a threat to the life and limb of the informant and other prosecution witnesses cannot be ruled out. It is submitted that the applicant had fired about 40 rounds pointing at the informant and his family members and has also made attempt to destroy the evidence.

10. I have considered the circumstances and the submissions. The Applicant is not disputing that certain shots

were fired through the licensed revolver of the Accused No.2. However, the contention is that they were part of the birthday celebrations of the Accused No.2.

11. The learned counsel for the Applicant submitted that the Act was clearly rash and cannot be justified. However, it is submitted that the informant has taken undue advantage of the same to falsely implicate the Applicant.

12. It can be seen that a video recording of the incident of the firing was made which was uploaded on the social media. At least *prima facie* I find that, had there been an incident of an attempt on the life of the informant, the same could not have been videographed and put on the social media.

12. It is necessary to note that the act cannot be justified by any standard and has to be condemned. However, the question is whether it was a part of an attempt on the life of the informant. At this stage regard can be had to the submission on behalf of the Applicant, that it is improbable that the informant would keep himself out of the house (and not run for shelter in the house) facing about 40 rounds of firing. Indisputably the complaint is lodged after the video was uploaded on the social media and it is in this context, the submission on behalf of the Applicant has to be considered that the complaint was filed in all

probability to falsely implicate the Applicant as there are disputes between the parties on account of the ancestral land and the management of the Educational Institution.

14. Section 307 of IPC invites a maximum sentence of 10 years where hurt is not caused to any person. In this case there is no hurt caused to the informant and thus the offence, if any, will fall under the first part of the Section 307 inviting a maximum sentence of 10 years with fine.

15. The investigation is complete and the charge-sheet is filed. Thus I do not find any justification to detain the Applicant behind the bars pending trial. The Applicant can be admitted to bail subject to conditions. Hence the following order.

ORDER

(i) The applicant-Mansing Vijay Bondre be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.

(ii) The applicant shall undertake to remain present before the learned Sessions Judge during the trial, unless exempted.

(iii) The applicant shall not make any attempt to directly or indirectly to contact or threaten the victim and shall not otherwise tamper with the prosecution evidence/witnesses.

(iv) The Applicant shall report to the concerned Police Station once in two weeks and shall not indulge into any similar offence while on bail.

(v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(vi) The bail bonds to be furnished before the learned Sessions Judge.

(vii) The Criminal Application is disposed of in the aforesaid terms.

(viii) The Application for intervention is also disposed of.

(ix) Parties to act upon authenticated copy of this order.

C.V. BHADANG, J.