

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

CRIMINAL BAIL APPLICATION NO.125 OF 2022

Dipak Sudam Gawali ...Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

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Mr. Satyam H. Nimbalkar a/w Mr. Abhishek U. Arote a/w Mr. Sai R. Kadam, Advocate for the Applicant.

Mr. A.A. Palkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 13th OCTOBER, 2022.

PER COURT:

1. This is an application for bail under Section 439 of Cr.P.C. in connection with C.R. No.11 of 2021 registered with Sangvi Police Station, Pimpri Chinchwad for offence punishable under Section 307 of Indian Penal Code (for short “IPC”), Sections 37(1) & 135 of the Maharashtra Police Act and Section 25(3) of the Arms Act. The applicant was arrested on 27.01.2021.

2. The First Information Report (for short ‘FIR’) was registered on 10th January, 2021 by Anand Lalitkumar Solanki alleging that the first informant is married to one Manisha on 27th October 2020. She had informed him that prior to the marriage, she was having affair with one Jaspreet Singh Satyal. After performing marriage,

on 27th October, 2020, the first informant and his wife Manisha were returning home. They halted at Newasa Phata for meal. Two persons approached first informant and told him that they have been sent to chase him. After informing the aforesaid fact, the said persons left the spot. On 16th November 2020, the first informant and his wife were returning from Aurangabad to Pune. They were chased by persons from another car. The first informant questioned the person, who was following them. He was abused by the said person and after taking U-turn, he left towards Aurangabad. On 9th January, 2021, at about 9.30 p.m., the complainant and his wife were having walk after dinner. Suddenly one person came near the first informant and shot at the first informant. The bullet passed brushing his right ear. There was commotion. The assailant ran away. The FIR was lodged. Description of the assailant was provided in the FIR. Investigation proceeded. The applicant was arrested on 27th January, 2021. On completing investigation, charge-sheet was filed.

3. The applicant preferred application for bail before the Court of Sessions at Pune. It was rejected vide Order dated 28th June, 2021.

4. Learned Advocate for applicant submitted that, the applicant

was arrested on suspicion. Although, the incident had occurred on 9th January, 2021 at about 9.30 p.m. FIR was registered on 10th January 2021 at 7.33 a.m. Investigation is completed and charge-sheet is filed. The applicant is in custody from 27th January 2021. There is no recovery from the applicant. The applicant was not present at the scene of offence. Co-accused Jaspreet Singh Amarjeetsingh Satyal has been granted bail by this Court on 16th December 2021.

5. Learned A.P.P. submitted that the accused was conspirator in the crime to eliminate the informant as he has married the ex-girlfriend of main accused. Ballistic report showed that, the injury sustained by the informant was due to country-made pistol, which is recovered. The shot was fired from the country made revolver. The offence is serious. The statements of witnesses supports the prosecution case. Amount of Rs.40,000/- was given to the applicant. The applicant had helped the co-accused to attack the informant. He was lucky to survive.

6. The role attributed to applicant is that, he was conspirator in the crime. He is not the assailant. He is in custody for substantial period of time. The wife of informant was allegedly in relationship in the past with one Jaspreet Singh Satyal. The said accused has

been granted bail by this Court vide order dated 16th December 2021.

7. Considering the aforesaid facts, further detention of the applicant is not necessary. Case for grant of bail is made out.

ORDER

(i) Criminal Bail Application No. 125 of 2022 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No. 11 of 2021 registered with Sangvi Police Station on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

(iv) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.

(v) The applicant shall not tamper with the evidence.

(vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)