

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

CRIMINAL BAIL APPLICATION NO.394 OF 2022

Ashok Namdev Mengal	...Applicant
Versus	
State Of Maharashtra	...Respondents

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Mr. Swaraj Jadhav, Advocate for the Applicant.

Mr. M.G. Patil, APP for the Respondent – State.

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CORAM	:	PRAKASH D. NAIK, J.
DATE	:	14th OCTOBER, 2022.

PER COURT:

1. The applicant is seeking bail in C.R. No.953 of 2021 registered with Sinnar Police Station, District Nashik for offence under Section 307 of Indian Penal Code (for short “IPC”) and Sections 3, 25, 5, 7, 27 of the Arms Act and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act. The applicant was arrested on 26.06.2021.

2. The First Information Report was registered at the instance of Raosaheb Namdev Katore on 19.06.2021 alleging that, about two months prior to the incident in question, the first informant met Mukta Mengal, who is resident of the same village. Both of them had a talk. Ashok Namdev Mengal saw them together while talking to each other. He started assaulting the first informant with stone.

The first informant managed to run away from the spot. After reaching home, he informed about the incident to his family members. The accused threatened that he should not keep relationship with his sister-in-law. Two days thereafter, the accused Ashok Mengal had chased the informant with knife in his hand. He was rescued by the villagers. On 18.06.2021 the first informant and others were proceeding towards Vinchur. On the way they met Mukta Mengal. The wife of complainant informed her that, she should not talk to her husband. There was quarrel between them. On 19.06.2021 while the first informant, his wife, and others were proceedings for work, Ashok Namdev Mengal (Applicant) confronted them. Under the belief that, the informant is in relationship with Mukta Mengal, he removed the gun tucked to his waist and shot towards first informant and his wife. The bullet hit the right hand of complainant and abdomen of his wife. The accused was apprehended by complainant's brother and others. The injured was taken to hospital. The accused managed to run away from the spot. The first informant and his wife were given treatment at Nashik Civil Hospital. The FIR was registered. Investigation proceeded. Charge-sheet was filed.

3. The applicant preferred an application for bail before the Court of Sessions at Nashik. The application was rejected by Order dated 11.10.2021.

4. Learned Advocate for the applicant submitted that the applicant has been falsely implicated in the crime. Offence under Section 307 of IPC is not attracted. The applicant is in custody for substantial period of time. The injured is out of danger. There was no intention to commit murder.

5. Learned A.P.P. submitted that the injured persons are eye witnesses to the incident. Specific role has been attributed to the applicant. The offence is of serious nature. The applicant is having criminal antecedents. Two cases were registered against him in the past.

6. The applicant is in custody from 26.06.2021. On completing investigation charge-sheet is filed. The injured were given treatment and they were discharged from the hospital. Considering the facts of this case, further detention of the applicant is not necessary. Bail can be granted to the applicant on certain terms and conditions.

ORDER

- i. Criminal Bail Application No. 394 of 2022 is allowed;

- ii.** The applicant is directed to be released on bail in connection with C.R. No.953 of 2021 registered with Sinnar Police Station, Nashik on executing PR. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii.** The applicant shall stay out of the Sinnar Police Station, Nashik till conclusion of trial.
- iv.** The applicant shall provide the details of place of residence while executing bail bond to the trial Court.
- v.** The applicant shall attend the trial Court for hearing of the case regularly, unless exempted by the Court.
- vi.** Application stands disposed off

(PRAKASH D. NAIK, J.)