

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 521 OF 2020

Sachin Vithoba Kasar .. Applicant
Versus
State of Maharashtra .. Respondent
...

Mr.Rushikesh Kale for the applicant.
Mrs.Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 14th JUNE, 2022

P.C:-

1 The applicant is charge-sheeted of an offence u/s. 307, 109, 506(2) r/w Section 34 of the IPC and Section 3, 25 of the Arms Act, in connection with C.R.No. 236/2018 on 26/4/2018, and the applicant came to be arrested on 6/2/2019.

 The charge-sheet filed against the applicant, allege that the present applicant on account of previous hostility with the complainant, on 26/4/2018 fired at the applicant through a black colour pistol, and though he was successful in evading one shot, the second one landed in the left side of his waist.

 The complainant, in great detail, has narrated the incident of firing and how he was rescued by the passers-by. He

was subjected to medical treatment and the injury certificate, referred to a penetrating Entry wound over left lower back 2 x 1 c.m just above the iliac crest.

2 The injury is described as ‘grievous injury’ caused by a fire-arm. The incident is witnessed by one Swapnil Gavare and Rishi Garad, who corroborate the complainant in his version that the applicant fired from the pistol in his possession and he sustained the fire injury in his waist.

The fact that the applicant was armed with a weapon and he fired at the applicant, in the background of the narration of the complainant that it was on account of the previous enmity, *prima facie* make out an offence u/s.307 and with the medical reports as well as two eye witnesses, there is sufficient material compiled in the charge-sheet to charge the applicant for the offence punishable u/s.307 IPC.

In any case, offence punishable u/s.307 it is not the nature of the injury, but the intention of the accused which has to be focused upon.

In the wake of the material referred to above in the charge-sheet, the applicant do not deserve his release on bail.

Application is rejected.

(SMT. BHARATI DANGRE, J.)