

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3237 OF 2021

Dattatray @ Bandu Manohar Bhusnar .. Applicant
v/s.
The State of Maharashtra .. Respondent.

Shri Balwant Salunkhe i/b. Shri Dilip H. Shukla, for the Applicant.
Mr. S. H . Yadav, APP for the Respondent-State.

CORAM : PRAKASH D. NAIK, J.
DATED : 25th JANUARY, 2022
(THROUGH VIDEO CONFERENCING)

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PER COURT:

The applicant is arrested in CR No. 212 of 2018 registered with Kavthemahankal Police Station, District Sangli for the offences punishable under Sections 307, 120(B), 212 read with Section 34 of Indian Penal Code and under Sections 3, 25, 27 of Arms Act.

2 This is second application for bail. The previous application was rejected by this Court vide order dated 26th February, 2020.

3 The case of the prosecution is as under:-

The FIR was lodged by Dadgu Vasant Patil on 25th July, 2018.

Sonu @ Mukund Dudhale is the friend of complainant. He

along with Sonu Dudhale, Bandu Olekar, Balu Wadkar, Shashikant Pawar & friend of Bandu Olekar came to Kavathemahnkal and dropped them to Court for attending hearing. Thereafter, the complainant and friend of Bandu Olekar went for repairing vehicle. After repairing the vehicle Sonu Dudhale met him and they proceeded to Kongnoli. Yogesh Utare was waiting near Tahsildar Office. The pillion rider got down from the motorcycle and shot at Sonu Dudhale by his pistol on his head. Sonu fell down. He sustained grievous injury. He was taken to hospital. The complaint was lodged immediately after the incident. During investigation, police arrested accused No. 5 & 6. The applicant Dattatay @ Bandu Manohar Bhusnar was allegedly riding the motorcycle and the pillion rider had shot at Sonu Dudhale. Ramesh Khot was the conspirator who along with other accused had planned to liquidate Sonu Dudhale. Statements of various witnesses were recorded. On completing investigation, charge-sheet was filed.

4 Learned Counsel for the Applicant submitted that applicant is in custody from 26th July, 2018. There are no criminal antecedents against applicant. The victim is out of danger. The

application preferred by applicant as the co-accused Ramesh Khot were rejected by this Court by order dated 26th February, 2020. Thereafter, the co-accused Ramesh Khot preferred second application for bail before this and the said application is allowed by order dated 12th July, 2021. Further detention of the Applicant is not necessary. There is no progress in the trial. Charges has not been framed.

5 Learned APP submitted that the previous application preferred by the applicant has been rejected by this Court. The applicant was riding motorcycle and the pillion rider had shotat at injured. On instructions, it is submitted that there are no criminal antecedents against the Applicant. Charge is not yet framed.

6 It is the case of the prosecution that the Applicant was riding the motorcycle and the co-accused had shotat at injured. The previous application was rejected on 27th February, 2020. The co-accused Ramesh Khot is granted bail by order dated 12th July, 2021. While granting bail to him, it was observed that the other accused were granted bail by the Sessions Court.

7 The Applicant is in custody for a period of 3 and half years. There is no progress in the trial. The injured is out of danger. There are no criminal antecedents against the Applicant.

8 Considering the facts, the applicant can be granted bail.

ORDER

- i.** Criminal Bail Application No.3237 of 2021 is allowed;
- ii.** The applicant is directed to be released on bail in connection with C.R. No. 212 of 2018 registered with Kavthemahankal Police Station, Dist. Sangli, 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 stay out of jurisdiction of Kavthemahankal Police Station till the further order;
- iv.** The applicant shall furnish details of his place of residence to investigating officer, as to where he would reside after he is released on bail;
- v.** The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the trial Court;
- vi.** The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for eight weeks in lieu of sureties;

vii. Criminal Bail Application No. 3237 of 2021 stands disposed of accordingly.

(PRAKASH D. NAIK, J.)