

Prajakta Vartak

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

BAIL APPLICATION NO. 3147 OF 2021

Mr. Rajesh Tuntun Thakur	.. Applicant
Vs.	
The State of Maharashtra.	.. Respondent

Mr. Shrijeet Raorane i/b Vijay Raorane for the applicant.
Smt. Veera Shine APP for the State.
Mr. D. S. Salve, PSI, Mankhurd Police Station present.

CORAM : BHARATI DANGRE, J.
DATE : OCTOBER 06, 2022.

P.C.:

1. The applicant is charge-sheeted for the offences punishable under Sections 307, 471, 465, 466, 120-B, 182, 211 r/w. Sec. 34 of the IPC and under Sections 3, 27 and 25 of the Indian Arms Act. He came to be arrested in subject C.R. on 04 December, 2020 and on completion of investigation, charge-sheet has been filed.

The case of the prosecution which can be seen from the charge-sheet is that the complainant, who is none else but the applicant, was taking a night stroll in the locality in the night of 3rd December, 2020 and a weapon was fired at him by three persons named by him, as there was business rivalry between them and the applicant ran away in order to save his life. The complaint was filed with Mankhurd Police Station.

2. On investigation, it was revealed that the three alleged accused

persons had never participated in such an act and rather there was a conspiracy hatched by the applicant to involve the accused persons in the crime as all of them are in the internet and cable business.

3. This is how the complainant turned into an accused and he is charged for an offence to attempt to commit murder and other Sections under the IPC. There is recovery of gun from the applicant, but he possesses the licence to possess the same. There is recovery of another weapon from him for which there is no licence. When asked whether any person is injured, the prosecution case is that none was injured.

It is doubtful whether the entire investigation is worth being carried and whether really the applicant needs to be subjected to trial for the offence punishable under Section 307 of the IPC. In any way, it is left to the best wisdom of the prosecution.

The applicant deserves to be released on bail. Hence the following order:-

ORDER

(a) Application is allowed.

(b) Applicant - Rajesh Tuntun Thakur shall be released on bail in connection with C.R.No. 479 of 2020 registered with Mankhurd Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall mark his attendance before the concerned police station as and when called by the police officer.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with the evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)