

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4421 OF 2021**

Rushikesh Baburao Koli ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Sachin H. Deokar a/w Roshan Hule and Vighnesh Ashoka for the Applicant.

Ms. P. P. Shinde, APP for the State.

Ms. Shraddha Sawant for Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 18 OCTOBER 2022

P.C. :-

. The learned Counsel for the applicant shall mask the name of respondent No.2. Necessary amendment shall be carried out forthwith.

2. This is an application under Section 439 of Code of Criminal Procedure for bail.

3. The applicant came to be arrested in Crime No. 518 of 2021 registered at Karveer Police Station, Kolhapur for the offences punishable under Section 307, 354, 354d, 109, 504, 506 read with 34 of Indian Penal Code, Section 12 of the Protection of Children From Sexual Offences Act, 2012, Section 3 read with 25 of the Arms

Act and Section 130(1) read with 177, Section 115(7) read with 177 and Section 146 read with 196 of Motor Vehicle Act.

4. It is the case of prosecution that on 17th September 2021, at about 7.30 a.m. the present applicant attempted to kill the victim by firing at her from air-gun.

5. Heard the learned counsel for the applicant, the learned APP for respondent No. 1-State and the learned counsel for respondent No. 2/victim.

6. The learned Counsel for the applicant submits that the incident was not premediated. It is submitted that the applicant is in jail for more than one year. It is submitted that investigation is over and therefore further detention of the applicant is not warranted.

7. On the other hand, the learned APP and the learned Counsel for the respondent No.2 submits that the applicant tried to kill the victim. It is submitted that considering the nature of offence, applicant may not be released on bail.

8. I have perused the charge-sheet. In the heat of passion, the applicant appears to have done the said act of firing at the victim from air-gun. There appears to be no other criminal antecedents.

The investigation is over. Considering these facts and as the applicant is in jail for more than one year, I am inclined to release him on bail. Hence, following order is passed:

- (i) Application is allowed.
- (ii) The applicant be released on bail in Crime No. 518 of 2021 registered at Karveer Police Station, Kolhapur for the offences punishable under Section 307, 354, 354d, 109, 504, 506 read with 34 of Indian Penal Code and under Section 12 of the Protection of Children From Sexual Offences Act, 2012 so also Section 3 read with 25 of the Arms Act so also Section 130(1) read with 177, Section 115(7) read with 177 and Section 146 read with 196 of Motor Vehicle Act on furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

9. The applicant shall not stay at village Panchgaon Taluka Karveer District Kolhapur till conclusion of trial and shall seek permission of this Court before entering into the said village.

10. The applicant shall not give directly or indirectly any threat or inducement to the prosecution witnesses.

11. The Application is disposed of.

(N.R. BORKAR, J.)