

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.71 OF 2023

**AKSHAY DATTATRAYA BANSODE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. S. D. Kotkar
APP for Respondent: Mr. K. S. Patil

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CORAM : S. G. MEHARE, J.

DATE : 01.02.2023

PER COURT :

1. Heard learned counsel for the applicant and learned A.PP for the respondent-State.
2. It is not in dispute that the deceased and all accused were in a room in one hotel. The deceased was shot dead. The pistol allegedly used in the crime has been recovered from the other co-accused. The applicant has a case that inadvertently the trigger of the pistol was pressed and the incident happened. It was an accident. Immediately after the incident, the applicant and other co-accused took the deceased to the hospital. The applicant has no intention to kill him. He was trying for anticipatory bail in which one and half year was spent. Therefore, it cannot be said that he was absconding. The applicant runs a jewelry shop and having roots in village Loni (Budruk)

Taluka Rahata, District Ahmednagar. There are no antecedents to his discredit. The applicant is suffering from various diseases. He is a young boy of 28 years old. The investigation has been completed. He has been languishing in jail for sufficient time. He may be granted bail.

3. The learned A.P.P. opposed the application. He would argue that the offence is serious and the pistol was possessed unauthorizedly. There appears no possibility of accident. The first informant had expressed the apprehension of happening some untoward incident. Therefore, he may not be granted bail.

4. Two co-accused have already been released on bail. However, the role attributed to the applicant is different from them. The post incident conduct of the applicant appears significant. He took the deceased to the hospital. The possibility of pulling the trigger inadvertently cannot be ruled out. The applicant is a business man and no antecedents to his discredit. The trial may take its time, that apart he has some physical ailments and has to undergo surgery. He is young boy of twenty eight years. Considering the facts of the case in entirety, the Court is of the view that further detention of the applicant in jail would serve no purpose. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The applicant Akshay Dattatraya Bansode, be released on bail, on executing P.B. and S.B. of Rs. 50,000/-, with one solvent surety in the like amount, in C.R. No. 359 of 2019 registered at Loni Police Station Taluka Rahata District Ahmednagar for the offences punishable under Sections 302,143,147,148,149,506 read with Section 34 of the Indian Penal Code and Section 3 of the Arms Acts, 1959 (converted into Sessions Case No.37/2020 pending with the learned Additional Sessions Judge, Kopergaon) on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall attend the trial on each effective date.

(S. G. MEHARE)
JUDGE