

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

**BAIL APPLICATION NO.948 OF 2023
WITH APPLN/1999/2023**

Vinod s/o Mohan Murkute
Age : 33 years, Occ. Agri.,
R/o Koregaon, Tq. Karjat
Dist. Ahmednagar.

...Applicant

VERSUS

The State of Maharashtra
Through Police Station Officer,
Karjat Police Station,
Tq. Karjat, Dist. Ahmednagar.

...Respondent

...

Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent/State : Mr. Y.G. Gujarati
Advocate for Complainant/Assist to P.P : Ms. Rashmi S. Kulkarni h/f
Mr. Dilip B. Rode

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CORAM : S.G. MEHARE, J.

DATED : JULY 24, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the injured.
2. The applicant is seeking bail in Crime No.141 of 2023 registered with Karjat Police Station, District Ahmednagar for the offence punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code and Sections 3/25 and 4/25 of Arms Act.
3. Learned counsel for the applicant would submit that many reports were lodged against the applicant and counter reports

against the injured were also lodged. However, referring to the allegations that the applicant had fired at the foot potty of the injured indicates that he had no intention to kill him. He would also refer to the ballistic report which has been recently filed and argued that the report is also not sufficient to prima facie show nexus of the applicant with the crime. It was a afterthought report to counter the interim protection granted to the applicant by the Hon'ble Supreme Court in another crime. Since there was enmity, false implication is highly possible. The investigation has been completed. Nothing is to be recovered from the applicant. Hence, he may be granted bail.

4. Learned APP and learned counsel for the injured would submit that the present offence has been committed after granting interim protection to the applicant by the Hon'ble Supreme Court in another crime. The injury itself is sufficient to prove the intention. The firearm has been used. The possibility of missing the target while firing from the firearm cannot be ruled out. But the overt act of the applicant was sufficient to believe that he had an intention to kill the injured. That apart in an offence under Section 307, injury is immaterial. The applicant was most aggressive. He did not respect the interim protection granted to him by the Hon'ble Supreme Court. The ballistic report prima facie supports the prosecution. Hence, the applicant does not deserve bail.

5. Perused the charge sheet. There are specific allegations against the applicant of firing from the firearm. The medical report supports the allegations. The injured has bullet injuries. The ballistic report supports the allegation of firearm as the gun powder residues were found around the periphery of the shothole on track pant of the injured. Self implicated injury is also not possible. Prima facie, the offence is serious. The injured is the best witness to the incident. There is no material to believe that the applicant has been systematically implicated in the crime falsely. For the above reasons, the application stands dismissed.

6. Criminal Application No.1999 of 2023 is allowed.

(S.G. MEHARE, J.)