

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1703 OF 2022

Kakasaheb Bhimrao Vaidya

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. S.V. Sudrik, Advocate for the applicant.

Mr. A.V. Deshmukh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 43 of 2022, registered with Shevgaon Police Station, Taluka-Shevgaon, District- Ahmednagar for offence punishable under sections 307, 324, 120B, 34 of the Indian Penal Code and under section 3/25 of Arms Act.

2. FIR is lodged by Parmeshwar Patkal alleging that on 22.01.2022 at about 10.15 am, his clothes were given for pressing to Shri Swami Samarth Dry Cleaners. He came out of the shop wearing the ironed shirt. At that time, two motorcycles were parked there. His acquaintance from Prabhuvadgaon,

Arvind alias Pappu Shivhari Darade was standing along with four persons. Arvind came to him and asked him whether dispute between him and Vaidya kaka (applicant) is settled. He told Arvind that there is no such dispute. Then Arvind told him that 20 lacs rupees contract to kill him is given to boys from Pune. He then signaled one boy accompanying him and took out the country made pistol from his west and fired at him. He stepped aside, therefore, he received minor injury on his left forearm. One of the accompanying boy also fired from country made pistol towards him, but said bullet hit unknown person passing from there, he received minor injuries and due to fear, he ran away from the spot. Thereafter, he came and gave FIR that because of contract given by the applicant to kill him, Arvind and four boys accompanying him fired two rounds at him from country made pistol.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for the respondents. Copy of charge sheet is placed on record by learned advocate for the applicant. Perused the charge sheet and report of investigation officer.

4. Against the applicant charge sheet is filed under section 299 Cr.P.C. All the accused persons except the present applicant are arrested. Country made pistols used in the crime are recovered from them. Two empty cartridges are recovered from the spot of incident.

5. Record indicates that conspiracy to kill informant was hatched by the applicant and co-accused persons, at the house of applicant. It appears that the applicant is instrumental in prompting the co-accused persons to kill the informant. Pursuant to conspiracy two shots were fired at the informant by the co-accused. There appears sufficient material showing active involvement of applicant in the present crime. Taking into consideration serious allegations against the applicant and active role played by the applicant in the present crime, I am not inclined to grant relief to the applicant.

6. There is no merit in the submission of learned advocate for the applicant that applicant was granted interim protection and he has co-operated in the investigation, since weapons used in the crime are already recovered custodial detention of the applicant is not necessary.

7. Considering the fact that the applicant is involved in serious offence of attempt to commit murder and his involvement in the crime is apparent from record, the applicant is not entitled for discretionary relief, merely because weapons are recovered.

8. Apart from above, the applicant has following criminal antecedents:

1. Crime No. 98/2006, registered with Ashti Police Station, Beed, for offence punishable under sections 395 and 341.
2. Crime No. 59/2014, registered with Shevgaon Police Station, for offences punishable under sections 4 and 5 of Maharashtra Prevention of Gambling Act, 1887.
3. Crime No. 231/2016, registered with Shevgaon Police Station, for offence under section 65(e) of Maharashtra Prohibition Act, 1949.
4. Crime No. 564/2019, registered with Shevgaon Police Station, for offence punishable under sections 324, 323, 504, 506, 427 read with 34 of the Indian Penal Code.
5. Crime No. 26/2019, registered with Shevgaon Police Station, for offence under section 12(a) of Maharashtra Prohibition Act, 1949.
6. Crime No. 276/2022, registered with Shevgaon Police Station, for offence under section 12(a) of Maharashtra Prohibition Act, 1949.

7. Crime No. 336/2019, registered with Shevgaon Police Station, for offence under sections 452, 324, 323, 504, 506, 427 of the Indian Penal Code.

9. For the aforesaid reasons, applicant does not deserve discretionary relief of anticipatory bail. The application is therefore rejected.

10. At this stage, learned advocate for the applicant submits that interim protection granted to the applicant may be continued for a period of three weeks from today. For the reasons stated in the order, the prayer is rejected.

[NITIN B. SURYAWANSHI, J.]