



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

BAIL APPLICATION NO.2119 OF 2023

**VAISHANVI PANDURANG ZADE
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicants : Mr. Ghanekar Nilesh S.
APP for Respondents: Mrs. P.J. Bharad.

**CORAM : S.G. CHAPALGAONKAR, J.
DATE : 8 DECEMBER, 2023**

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 658 of 2023 registered with Hingoli City Police station, Dist. Hingoli for the offences punishable under Sections 307, 120-B r/w. 34 of IPC and under Section 3/27 of the Arms Act.

2. The investigation was set in motion on the basis of information given by Satish Manik Teli, who is deputed as a Police Sub Inspector at Hingoli. He states that on 1st August, 2023, he received information regarding firing in the premises of the Zilla Parishad, Hingoli. He rushed to the spot alongwith his officers. They came to know that the victim Pappu Chavan suffered injuries on account of firing of bullet and he has been taken to the hospital. On inspection of the spot, they found two bullets and one fired bullet case. They also found a mobile phone. After looking to the CCTV footage of Zilla Parishad, it is seen that the accused Akshay Indoriya, Om Pawar, Satyam Deshmukh, Ram Kale, Akshay Naik were involved in the incident. Similarly, in mobile communication role of accused Ajinkya Naik surfaced. During

his interrogation, it is revealed that accused persons were assaulted by Pappu Chavan two months prior to the incident, and as a revenge, Pappu Chavan was subjected to firing. Accordingly, offence under Section 307, 120(B), 34 of IPC and U/sec. 3/23 of the Arms Act has been registered against accused persons. The applicant has been arrested in pursuance of the aforesaid crime on 5th August, 2023, since then she is behind bars. Her prayer for grant of bail has been rejected the Court of Sessions vide order dated 4.11.2023.

3. Mr. Nilesh Ghanekar, learned counsel would submit that the applicant is a law student. She has nothing to do with the actual incident of firing. However, she has been roped in on the ground that main accused Akshay Indoriya had love affair with the applicant and on her instigation, he has fired bullets on victim Pappu. He would submit that there is no evidence in the entire charge sheet showing instigation or abetment by applicant to commit the offence. He would submit that the mobile chat which is made part of the charge sheet can hardly depict love affair of the applicant with accused Akshay Indoriya. However, inference that her instigation was behind the incident, would be far fetched. He would, therefore, submit that further detention of the applicant would not be necessary. There are no criminal antecedents against the applicant. Hence, she be released on bail.

4. Learned APP strongly opposes the prayer for grant of bail. She would submit that chain of circumstances surfaced during the course of investigation is sufficient to bring home the guilt against the applicant. There was previous incident that took place 2 months prior to the incident in question. There is mobile chat that shows that her instigation

has played a major role in commission of the offence.

5. Having considered the submissions advanced, it can be gathered that the applicant has no role in actual commission of the offence. The CCTV footage of Zilla Parishad is relied to show involvement of the accused Akshay Indoriya, in commission of offence. Ajinkya Naik was also found to be involved in the offence on the basis of mobile conversation. It is apparent that there was some dispute between the accused Akshay Indoriya and injured Pappu chavan. Therefore, accused persons had conspired to take revenge against him. However, only on the basis of some conversation between the accused Akshay Indoriya and present applicant on snap chat, it would be far fetched to conclude that the applicant motivated or instigated the commission of offence. Whether conversation appearing on the *Snapchat App* between the applicant and accused Akshay constitutes instigation can be examined during the trial. The applicant is a law student aged about 22 years. Learned APP confirms that there are no criminal antecedents. The investigation is complete. Charge sheet is filed. Therefore, further detention of the applicant is not necessary. Hence, a case is made out for grant of bail. As such the following order :-

O R D E R

- (i) The application is allowed ;
- (ii) The applicant – Vaishnavi Pandurang Zade, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one surety in the like amount in connection with Crime No. 658 of 2023 registered with Hingoli City Police station, Dist. Hingoli for the offences punishable under Sections 307, 120-B r/w. 34 of IPC and under Section 3/27 of the

Arms Act, on the following conditions :-

- [a] The applicant shall not tamper with the evidence ;
- [b] The applicant shall attend each and every effective date of hearing before the trial court.
- [iii] The application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-