

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2263 OF 2022

Ashok @ Ashrukant Uttareshwar Kasabe ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Dheeraj Patil i/b Mr. Tejas Hilage for the Applicant.
Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 12.04.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No. 179 of 2019 registered at Shivajinagar Police Station, Pune for the offences punishable under Sections 307, 504 read with 34 of the Indian Penal Code, Section 3 read with 25 and 27 of the Arms Act and Section 37(1)(3) read with 135 of the Maharashtra Police Act.
3. According to the prosecution, on the date of alleged incident which took place on 7 March 2019, the present applicant along with other co-accused accosted the complainant and his friends and started abusing them on account of previous enmity. It is alleged that thus the complainant and his friends got frightened and started running away from the place of incident. It is alleged that at that time co-accused Akshay Sable had fired gun shot at the complainant with a view to kill him.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. There is no reference of the present applicant in the statement of the complainant. The applicant is in jail for about four years. The learned APP submits that the applicant is involved in one more crime for the offence punishable under Section 324 of the IPC. However, considering the overall facts and circumstances of the case and as the applicant is in jail for about four years, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 179 of 2019 registered at Shivajinagar Police Station, Pune for the offences punishable under Sections 307, 504 read with 34 of the Indian Penal Code, Section 3 read with 25 and 27 of the Arms Act and Section 37(1)(3) read with 135 of the Maharashtra Police Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]