

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2698 OF 2022

Vishal Vikram Solase

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. Aniket Nikam i/b Mr. Nitesh Mohite for the Applicant.

Ms. P. N. Dabholkar, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th SEPTEMBER 2023.

Digitally
signed by
SHANTANU
SHANKARSA
DHUDUM
Date:
2023.10.07
17:10:59
+0530

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 446 of 2020 registered with Nigdi Police Station Pune, Dist – Pune, for the offence punishable under Sections 307, 324, 323, 143, 147, 148 and 149 of the Indian Penal Code (for short “IPC”) and under Sections 3, 25, 27 of Arms Act and under Sections 3, 7 of Criminal Amendment Act, and under Sections 37(1), 135 of the Maharashtra Police Act, and under Sections 3(1),(i),(ii), 3(4) of Maharashtra Control of Organized Crime Act, 1999 (for short “MCOCA Act”).

2. It is prosecution's case that on 25th November, 2020 complainant was assaulted by co-accused and applicant and they tried to kill the complainant by firing at him. Bullet fired by the co-accused pierced the thigh of complainant. It is alleged that at the time of assault on complainant applicant was holding stone in his hand.

3. It is contention of learned counsel for the applicant that, the role attributed to the applicant is that at the time of assault on complainant, applicant was holding stone in his hand. But it is not mentioned that applicant had assaulted with stone to the complainant. Except this allegation there is no allegation against the applicant. Learned counsel further submitted that it is alleged that applicant had assaulted brother of the complainant with stone and fist and blows. There is no recovery at the instance of applicant. Applicant is behind bar almost three years. There is no antecedents. At the time of incident, applicant was 19 years old. Hence, requested to allow the application.

4. Learned APP submitted that applicant was a part of group

who assaulted the complainant. Some of the co-accused assaulted the complainant with sickle and other weapons whereas one co-accused fired at the complainant to kill him. The bullet hit to thigh of the complainant. Applicant was holding stone in his hand to assault the complainant. Applicant had assaulted the brother of complainant with stone and injured him. It shows *prima facie* case against the applicant. If applicant is released on bail, he may threaten prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. The allegations against the applicant are that, at the time of assault on complainant by other co-accused, applicant was holding stone in his hand and he had assaulted the brother of complainant with stone and fist and blows. There is no recovery at the instance of the applicant. Applicant is behind bar for more than three years. Investigation is completed and charge-sheet has been filed. There is no antecedents of the applicant.

7. Considering the above facts, further detention of applicant is not required.

8. In view of above, I pass following order.

ORDER

- (i) Applicant be enlarged on bail in Crime No. 446 of 2020 registered with Nigdi Police Station Pune, District – Pune, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (ii) 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 framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.

(v) The Trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by the observations made in this order.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)