

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.3709 OF 2021**

Rahul Kashinath Salunkhe ....Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Ravindra S. Pachundkar, Advocate for the Applicant.

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

Mr.Ajay Shitole, API, Wanwadi Police Station.

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 7<sup>th</sup> SEPTEMBER, 2023.**

**P.C. :**

1. By this application, applicant is seeking bail in crime No. 850 of 2020 registered with Wanawadi Police Station, Pune city, for offences punishable under Sections 307, 34 and 120B, and Section Section 3 read with 25 of Arms Act and 37(1) and 37(1) read with 37(3) of Maharashtra Police Act, 1951.

2. It is prosecution's case that when complainant - Mayur Hande was near his site at Inamdar ground, one unknown person fired at him from pistol on account of some unknown reason. The complainant tried to dodge the bullet but received injury on his left

cheek and neck. Thereafter, complaint was lodged against unknown person. In investigation, police arrested the applicant and co-accused in connection with present crime.

3. It is contention of learned counsel for applicant that no specific role is attributed to the applicant. F.I.R. was lodged against unknown person. In the statement of witnesses, the role attributed to the applicant is that he was standing near an auto rikshaw where the conspiracy of assault on the complainant was hatched. Except this allegation, there is no other allegation against the applicant. Learned counsel further submitted that there is no recovery of weapon at the instance of applicant. Applicant is behind bar for more than three years. He is the only earning member of his family. Hence, requested to allow the application.

4. It is contention of learned APP that there was a conspiracy to kill the complainant. Fortunately the complainant survived in the said attack. Applicant was the part of conspiracy. There was involvement of applicant in the said attack. The witnesses have stated that applicant was present when the conspiracy of attack on complainant was hatched. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the F.I.R. and charge-sheet.

6. Admittedly, name of applicant was not mentioned in the F.I.R. In the statement of witness - Prashant Pujari, it is stated that on 17<sup>th</sup> August 2020, applicant was standing near auto rikshaw in which other co-accused viz. Rajesh and Ajit were seating. Except this allegation, there is no other allegation against the applicant. There is no statement of other witnesses to indicate the involvement of applicant in the said crime. Applicant is behind bar for more than three years. Considering the above facts, further detention of applicant is not required.

7. In view of above, I pass following order :

**ORDER**

- (i) Applicant be released on bail in crime No. 850 of 2020 registered with Wanawadi Police Station, Pune City, 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 Monday between 11.00 a.m. to 3.00 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, witnesses or any person concerned with the case.

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

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

**(SHIVKUMAR DIGE, J.)**