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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3075 OF 2023

Nitin G. Kamble alias Chultya ...Applicant
V/s.

The State of Maharashtra ...Respondent.

Mr. Nitin Sejpal a/w. Ms Pooja Sejpal and Ms Akshata Desai for the Applicant.

Ms S.S. Kaushik, APP for the Respondent/ State.

CORAM : N.R. BORKAR, J.
DATE : 27.10.2023.

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. 28 of 2022 registered at Mangaon Police Station for the offences punishable under sections 307 read with 34 and Section 120-B of the Indian Penal Code and Section 3 read with 25 of the Arms Act.
3. According to the prosecution, on the date of incident which took place on 12 February 2022, the present applicant and other co-accused pursuant to conspiracy hatched by them attempted to kill the complainant/injured by firing gun shot at him.
4. I have heard the learned counsel for the applicant and the learned APP for the State.

5. The learned counsel for the applicant submits that the only allegation against the applicant is that after the alleged incident he helped the co-accused who actually fired the gun shot to flee from the place of incident. It is submitted that except the statement of co-accused there is no other independent incriminating material against the co-accused.

6. On the other hand, the learned APP submits that considering the nature of offence, the applicant may not be released on bail.

7. The applicant is in jail for more than 1 and ½ years. There are no other criminal antecedents. Considering the fact that the only incriminating material against the applicant is statement of co-accused, I am inclined to release the applicant on bail. In the result, following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 28 of 2022 registered at Mangaon Police Station, Dist. Raigad for the offences punishable under sections 307 read with 34 and Section 120-B of the Indian Penal Code and Section 3 read with 25 of the Arms Act on furnishing P.R. Bond in the sum of Rs.25,000/-(Rupees Twenty Fifty 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 trial.

[N.R.BORKAR, J.]