

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.666 OF 2023

Rahul @ Chati Raju Tadas

.Vs.

State of Maharashtra, Through PSO, PS Warud, Tq. Warud, Distt Amravati

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions Court's or Judge's orders.
 and Registrar's Orders.

Mr P. V. Navlani, Counsel for the applicant
 Mr Alap Palshikar, APP for the State
 Mr Tushar Tathod, counsel to assist the prosecution

CORAM : SHIVKUMAR DIGE, J.

DATE : NOVEMBER 03, 2023

1. By this application, the applicant is seeking bail in Crime No. 283 of 2022 registered with Warud police station, Distt. Amravati for the offences punishable under Sections 307, 120-B read with Section 34 of the Indian Penal Code and Section 3/25 and 27 of the Arms Act.

2. It is the prosecution case that on 23.04.2022 at about 8:45 p.m. the applicant and accused No.1 had fired at complainant from country made pistol and tried to kill him. The bullet fired by applicant hit to waist of the complainant. The country made pistol recovered at the instance of the applicant in Hyderabad.

3. It is the contention of learned counsel for the

applicant that other six co-accused except accused No.2/ applicant have been released on bail. The applicant is behind bar for more than one year. Investigation is completed. Charge sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant had tried to kill the complainant by firing from country made pistol. The said pistol is recovered at the instance of applicant. Applicant has criminal antecedents. After the incident he was absconding and during that period he has committed offence under Section 302 of the Indian Penal Code. If the applicant is released on bail, he may threaten the prosecution witnesses and complainant. Learned APP further submitted that earlier the accused No.1 -Saiyyad Fardin had filed bail application before his Court and when the Court was not inclined to allow the application it was withdrawn by him. The role assigned to applicant in comparisons with accused No.1-Saiyyad Fardin is on higher side. Hence, requested to reject the application.

5. Learned counsel for assist to prosecution reiterated the submission of learned APP.

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

7. It is alleged that applicant had fired bullet at complainant and tried to kill him. Investigation is completed. Charge-sheet has been filed. Applicant is behind bar for more than one year. Yet trial has not been commenced. In the application filed by accused No.1 this Court had permitted the accused No.1 to file fresh application if trial is not started within six months. Admittedly, trial has not yet commenced. It may take time to conclude the trial. Keeping applicant behind bar would amount to pre-trial conviction. Considering this fact, further detention of the applicant is not required. Therefore, I pass following order.

- i) Criminal application is allowed.
- ii) Applicant- Rahul @ Chati Raju Tadas be released on bail in Crime No.283 of 2022, registered with Police Station Warud District: Amravati on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- iii] The applicant shall not in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall not enter Warud city till recording of evidence of complainant except for attending the police station and date of trial.

vi] The applicant shall attend the police station on every first Monday of every month between 11:00 a.m. to 1:00 p.m.

vii] The applicant shall co-operate the learned trial judge in conduct of the trial expeditiously.

8. The criminal application stands **disposed of**, accordingly.

(SHIVKUMAR DIGE, J.)

Namrata