



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2082 OF 2023

Premdas Ramsing Pawar

... Applicant

VERSUS

The State Of Maharashtra

... Respondent

.....

Ms. Kavita S. Bhale, Advocate for Applicant

Mr. S.R. Wakle, APP for Respondent – State

Mr. G.J. Pahilwan, Advocate for Informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st MARCH, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No. 426 of 2023 registered with Ghansawangi Police Station, District-Jalna for offence punishable under sections 307 read with section 34 of the Indian Penal Code and under section 3 and 25 of Arms Act.

2. FIR is lodged by Dayaram Bhimrao Pawar alleging that his cousin uncle Macchindra Tukaram Pawar, is his neighbour. Earlier there was quarrel between Vilas Devidas Pawar, his brother Dnyaneshwar Pawar and his uncle Macchindra Tukaram Pawar on a second day of Holi festival. Since then, there used to be quarrel between both the

families. On 28.10.2023 at about 10.00 p.m., when informant and his uncle Macchindra were chatting in front of their house, Vilas Devidas Pawar came on his motorcycle along with his brother Dnyaneshwar Pawar and one unknown person. They both got down from motorcycle and came towards informant and his uncle. Vilas Pawar caught hold hand of Macchindra and asked him to sit on the motorcycle. Macchindra refused to do that and told him that to talk here itself. Vilas then took out a gun and threatened him that if he does not sit on motorcycle, he will be killed. Even then also, Macchindra refused to sit on the motorcycle. Dnyaneshwar Pawar then told Vilas to fire at Macchindra. Therefore, Vilas fired two rounds towards Macchindra, of which, one bullet hit right leg of Macchindra and he received a bleeding injury. Hearing the sound of firing, people from Devnagar Tanda, Ram Bhimrao Pawar, Arjun Uttam Pawar, Vasant Uttam Pawar, Bholaram Kisan Ratod and other people rushed to the spot, seeing them Vilas Pawar, Dnyaneshwar Pawar and the unknown person sat on the motorcycle and ran away.

3. Heard learned advocate for the applicant, learned APP for respondent-State and learned advocate for Informant. Perused the Investigation papers.

4. Applicant is Police Patil of Devnagar Tanda where the incident has taken place. If the applicant was present at the time of incident, the informant would not have referred him as unknown person.

5. Though injured has taken his name as third person, there appears material inconsistencies in the statements of informant, injured and other witnesses. False implication of applicant, therefore, cannot be ruled out at this stage in view of these material inconsistencies. Applicant being Police Patil had no reason to participate in the alleged incident. Nothing is to be recovered from applicant, therefore, his pre-trial custodial interrogation is not necessary.

6. Application is therefore allowed by confirming interim protection granted to applicant on 18.12.2023.

7. Till filing of the charge-sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE