



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3334 OF 2023

Roshan Ram More

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep Patil i/b. Ms. Saili Dhuru, Advocates for the Applicant.
Ms. Veera Shinde, APP for the Respondent-State.

Mr. Siddhesh Yashwant More, Police Hawaldar, Mahad M.I.D.C.
attached to Police Station, present.

Mr. Vinod Pandit Pawar, Police Hawaldar, Mahad M.I.D.C. attached
to Police Station, present.

CORAM Madhav J. Jamdar, J.
DATED: 29th January 2024

PC:-

1. Heard Mr. Patil, learned Counsel appearing for the Applicant
and Ms. Shinde, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439
of the *Code of Criminal Procedure, 1973*. The relevant details are
as follows:-

1.	C. R. No.	55 of 2023
2.	Date of Registration of F.I.R.	13/05/2023
3.	Name of Police Station	Mahad M.I.D.C. Police Station,

		Taluka-Mahad, District-Raigad
4.	Section/s invoked	307, 352, 323, 504, 506 of the I.P.C.,1860 and 3 and 25 of the Arms Act, 1959.
5.	Date of incident	12/05/2023
6.	Date of arrest	13/05/2023
7.	Date of filing Charge-sheet	25/07/2023

3. As per the prosecution case as reflected in the F.I.R. and the statements of the witnesses, Darshan Dilip Kalambe residing at Bhivghar, Post-Mohot, Taluka-Mahad, District-Raigad was having an order of video shooting and photography at village Mohot, Taluka-Mahad, District-Raigad. There was some altercation between the witness-Darshan Dilip Kalambe and the present Applicant with respect to taking photographs of certain persons. When the said incident occurred on 12th May 2023 at about 8.30 p.m., the villagers informed said Darshan that the Applicant is in the habit of consuming liquor and abusing strangers under the influence of alcohol. Thereafter, at about 10.15 p.m., said Darshan again questioned the Applicant about the said altercation when the Applicant was going to his residence at Mohot Patilwadi, Taluka-Mahad, District-Raigad. Said Darshan along with his friends was standing at Mohot Patilwadi bus-stop and at that time, said

Darshan again questioned the Applicant and an altercation broke out between the Applicant, the witness and his friends. At that time, the Applicant told said Darshan and his friends to wait at the said spot and he immediately went to his house on a motorcycle and brought a gun and fired at said Darshan and his friends. Sanket Shashikant Kadam and Soham Atmaram Hiradekar were injured in the said firing.

4. Mr. Patil, learned Counsel appearing for the Applicant submitted that when the incident in question took place said Darshan and his friends have started the altercations. They threatened and instigated the Applicant and therefore, the Applicant went to his house and brought the gun and fired at them. He submitted that in fact, the pellets were fired in such a manner that it did not affect the vital parts of the body. He relied on the injury certificate which shows that injuries are only on the legs of the injured.

5. Mr. Patil, learned Counsel appearing for the Applicant on instruction, further states that the said gun is a licenced weapon of the Applicant's father used for protecting agriculture and the said

licence will be surrendered within a period of 15 days from today.

The said statement is accepted.

6. Ms. Shinde, learned APP appearing for the Respondent-State strongly opposed the Bail Application. She pointed out the statement recorded under Section 164 of the *Code of Criminal Procedure, 1973* of the witness-Darshan Dilip Kalambe. She submitted that the Applicant has used the gun as weapon and injured the two persons and therefore, this is not a fit case for granting bail.

7. The position on record shows that the incident in question occurred on 12th May 2023. The Applicant was immediately apprehended and arrested on 13th May 2023. The Charge-sheet has been filed on 25th July 2023.

8. The statement of witness-Darshan Dilip Kalambe prima facie shows that in fact, the said witness and his friends had started the altercation in question at the relevant time and they instigated the Applicant. It is true that in the said incident, a gun has been used,

however, the injuries are not on the vital part of the body and the injuries are on the legs of the injured.

9. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 25th July 2023. There are 31 witnesses as per the Charge-sheet. The trial will take a considerably long time.

10. There are no criminal antecedents against the present Applicant.

11. The Applicant does not appear to be at risk of flight.

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Roshan Ram More be released on bail in connection with C. R. No.55 of 2023 registered with the Mahad M.I.D.C. Police Station, Taluka-Mahad, District-Raigad on his furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like

amount.

- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Mahad M.I.D.C. Police Station, Taluka-Mahad, District-Raigad on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

[Madhav J. Jamdar, J.]