

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 4206 OF 2023

Mayur Suresh Gavali ... Applicant
Versus
The State of Maharashtra ...Respondent

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Mr.Nitin Sejpai a/w Mrs.Akshata Desai, Advocate for the Applicant.

Mr.Sukanta A. Karmakar, A.PP for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 7th MAY, 2024.

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 12th 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 allegations against the applicant is that the applicant had provided Innova car to the co-accused who actually fired the gun shot to flee from the place of incident. It is submitted that except the statement of the co-accused and the recovery of Innova Car at the instance of the applicant, there is no other independent incriminating material to connect the applicant with the alleged crime. It is further submitted that the applicant is in jail for more than two years and the trial is not likely to conclude in near future.

6. Learned A.P.P. for the Respondent/State submits that the applicant is one of the conspirator. It is submitted that in view of the nature of offence, the applicant may not be released on bail.

7. The applicant is in jail for more than two years. There are no other criminal antecedents. Considering the role attributed to the applicant in the crime in question, I am inclined to release the applicant on bail.

ORDER

(i) Criminal Bail Application is allowed and disposed of;

(ii) 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;

(iii) 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.)