

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

**CRIMINAL BAIL APPLICATION NO. 2175 OF 2024**

Rajesh Vijay Shelke

...Applicant

**Vs.**

The State of Maharashtra

...Respondent

Mr. Nitin Sejpal with Ms. Akshata Desai, Advocate for Applicant.

Mr. S. S. Chaudhari, APP for State-Respondent.

Mr. Manoj s. Bhosale, API, Present.

**CORAM:- ANIL S. KILOR, J.**

**DATED:- 15<sup>th</sup> OCTOBER, 2024**

**PC:-**

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 28 of 2022 registered with Mangaon Police Station, Raigad, for the offences punishable under Sections 307, 120B read with Section 34 of the Indian Penal Code, 1860 and Section 3/25 of Arms Act, 1959.
- 3) The learned Counsel for the applicant submits that the applicant is not the person who fired the shots from the pistol but was fired by the pillion rider on his vehicle and he is responsible for the injury caused to the victim. He therefore submits that since he is not the accused because

of whom the victim got injured and further nothing is recovered from the applicant, he may be released on bail. It is further argued that the applicant is in jail from 2 and half years and considering the nature of the offence, he may be released on bail.

4) The learned APP, on the other hand, has strongly opposed the application and prayed for rejection of the present application.

5) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the applicant is equally responsible as the main accused who fired a shot from the pistol. The applicant was driving a pulsar motorcycle, whereas, the accused No. 1 fired a shot from a pillion rider.

6) Thus, the role of the applicant is certainly of a similar nature as he facilitated the main accused.

7) Thus, considering the weapon used in the present matter and the injury caused to the victim coupled with the role of the applicant and the fact that he has been identified by the victim, I am not inclined for grant bail.

8) Accordingly, the Bail Application is **rejected** and disposed of.

9) Liberty is granted to the applicant to apply afresh before the trial Court after nine months, if there is no progress in trial.

**[ANIL S. KILOR, J.]**