



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

CRIMINAL APPLICATION (BA) NO.1160 OF 2023
(Akshay Vijay Bhandurge Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.N. Ali, Advocate for the applicant.
Ms M.H. Deshmukh, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 18, 2024.

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 05/09/2023 in connection with Crime No.691/2023 registered with Police Station Washim City, District Washim for the offence punishable under Sections 307, 201, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 3, 4, 25 and 27 of the Arms Act, 1959.

2. The accusation against the present applicant is on the basis of report lodged by Dnyaneshwar @ Guddu Shankarrao Ingole alleging that on 14/08/2023 at about 9.00 to 9.30 p.m. he along with his friend was proceeding towards Walki Manjare. At that time, he received a phone call of one Rishikesh Bhandurge who abused him by the telephonic call and asked him to wait for him, therefore, he was waiting on Nimjaga to Walki Road. At that time, Rishikesh Bhandurge and Akshay Bhandurge i.e. the

present applicant came on motorcycle. Present applicant was holding pistol in his hand and he fired two rounds in the air whereas the co-accused Rishikesh assaulted him by means of sickle due to which he has sustained injury as well as one Shankar Khule who was along with him has also sustained the injuries. On the basis of said report police have registered the crime.

3. Learned Counsel for the applicant submitted that due to the previous enmity, the present applicant is implicated in the alleged offence. As the applicant performed the marriage with the girl who is member of the family of the complainant. During the spot panchnama neither shell nor any cartridge was found at the spot of incident. The injuries sustained due to the assault by the sickle which is attributed to the co-accused who is already released on bail. Now, the investigation is completed and charge-sheet is filed. Further incarceration of the present applicant is not required. In view of that he be released on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the applicant was in possession of pistol. If he is released on bail, there is every possibility of repetition of the similar type of the offence. In view of that, the application deserves to be rejected.

5. Having heard learned Counsel for the parties. Perused the investigation papers. The allegation against the present applicant is that he has fired two rounds in the air. The spot panchnama was drawn by the investigating agency, no incriminating material was found during the spot panchnama at the spot of incident. The medical certificates are collected during the investigation which shows that the injured have sustained the simple injuries. Now, the investigation is completed and charge-sheet is filed. Considering the fact that, further incarceration of the present applicant is not required and no purpose will be served by keeping him behind bar. Hence, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The applicant - Akshay Vijay Bhandurge in connection with Crime No.691/2023 registered with Police Station Washim, District Washim for the offence punishable under Sections 307, 201, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 3, 4, 25 and 27 of the Arms Act, 1959, be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall furnish his Cell phone number and address with address proof before the Investigating officer.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*