



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 216 OF 2025

Gajanan Subhash More

Age : 28 years, Occupation Labour,

R/o. Near Basic School Lonar,

Taluka Lonar, District Buldhana.

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. Sunil B. Surse, Advocate for the Applicant.

Mr. S. B. Narwade, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 17.04.2025

Pronounced on : 21.04.2025

ORDER :

1. This is an application for enlargement on regular bail on account of applicant's arrest in crime no. 0889 of 2022 registered at M.I.D.C. Waluj Police Station, District Aurangabad City for offences punishable under Sections 307, 341, 294, 504, 506 r/w 34 of IPC and Sections 3/25 and 4/25 of Arms Act.

2. It is pointed out that applicant is arrested in above crime on 21.10.2022. It is further pointed out that there is false implication on accusations that he fired bullet from a country made pistol. According

to learned counsel, applicant has no intention or motive. That, according to prosecution, annoyance of applicant was that, informant used to talk with Gaikwad. In such background, it is alleged that, incident had taken place on 14.10.2022. There is no direct eye witness. Whatever was to be recovered or discovered, is already effected. Investigation is over and charge sheet is also filed in January 2023. That, there are no prospects of matter going for trial and for above reasons, bail is urged for. Learned counsel placed reliance on the judgment of the Hon'ble Supreme Court in the case of ***Vihaan Kumar v. State of Haryana and another*** [2025 INSC 162].

3. Learned APP opposed on the ground that serious offence is committed. That, there is use of firearm. Because of medical intervention, injured managed to survive. That, there is eye witness account. Moreover, present application is third bail application and trial court as well as this Court have rejected the previous applications.

4. Heard. Perused the papers. On previous date, this Court had heard and taking into account the date of arrest of applicant as 21.10.2022 and charge sheet to be filed in the year 2023, to ascertain the prospects of trial, this Court had called report from learned trial

Judge and the same dated 28.03.2025 is received. Learned trial court has informed the journey of the case till date and has opined that about one year would be required for conclusion of trial.

5. On merits, after going through the FIR, it transpires that present applicant had used firearm and after firing two rounds in air, he has targeted chest of the injured. Injury certificate of informant Sagar, which is part of police papers, shows that he has suffered gun shot injury on right side of chest.

6. Perused the previous orders as well as the ruling of the Hon'ble Apex Court in ***Vihaan Kumar*** (supra). Apparently, previous applications have been turned down by this Court. However, applicant is said to be arrested in October 2022 and charge sheet is already filed in January 2023 and such facts are not denied or disputed by prosecution. This Court is in receipt of report from the learned trial Judge, contents of which are already dealt in aforesaid paragraph. Therefore, taking into account the approximate period of a year furthermore required by learned trial Judge for conclusion of trial, applicant would be made to spend a period of almost three to four years in jail. Offence is under Section 307 IPC. No purpose is shown to be achieved by further detention. No criminal antecedents

of applicant are reported. Therefore, only on the ground of long pre trial incarceration, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 0889 of 2022 registered at M.I.D.C. Waluj Police Station, District Aurangabad City, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter the vicinity where informant and his family resides, till conclusion of trial.
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
 - [d] The applicant shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]