



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2286 OF 2024

Naresh s/o Baban Kshirsagar
Age : 25 years, Occu: Agri.,
R/o Parwa,
Taluka and District Parbhani.

... Applicant
[Original Accused]

Versus

The State of Maharashtra,
Through Police of Parbhani Rural Police Station,
Parbhani, District Parbhani.

... Respondent

.....
Mr. C. C. Deshpande, h/f Mr. Govind M. Sharma, Advocate for the
Applicant.

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

.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 09.01.2025

Pronounced on : 10.01.2025

ORDER :

1. Applicant seeks his enlargement on regular bail as a result of registration of crime bearing no. 0366 of 2024 at Parbhani Rural Police Station, District Parbhani for offence under Sections 109, 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita [BNS] and under Section 3 and 25 of the Arms Act.

2. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 09.11.2024. He pointed out that alleged incident had taken place on 08.11.2024 in the backdrop of history of complaint under section 354 of IPC. He pointed out that complainant

himself had come to the applicant's place. There are allegations of firing from pistol, but such allegations are directed against brother of applicant, namely Abhishek. Applicant is named because he was merely present. That, no role is attributed to applicant and as nothing is to be recovered from him, learned counsel urges to grant bail.

3. While opposing the bail application, learned APP pointed out that there are three accused who are named in the report. One is still at large. Present applicant and his brother are arrested on 09.11.2024. Learned APP pointed out that there is eye witness account. He took this Court through the statements of Amol Bhumre and Sudarshan Talde and submitted that, present applicant has directed his brother Abhishek to bring the loaded weapon and accordingly, pistol was brought and fired. Therefore, offence under Section 307 IPC has been registered. Investigation is still in progress and as charge sheet is yet to be filed, learned APP opposes the application.

4. Heard. Perused the FIR dated 08.11.2024 at the instance of one Navnath Talde. He has reported that, around 10.20 a.m., his brother Sudarshan received phone call from Amol Bhumre, informing that while he was going towards Parbhani, he was intercepted by present

applicant and another person near Parwa gate and was abused and threatened to not to come to their village. It is further reported that present applicant called up his brother and told that, loaded pistol has been kept in the house and to come along with it. It is further informed that Abhishek Kshirsagar came, abused and after threatening to pump bullets, he fired but informant claims that he managed to ward it off. As shouts were raised, it is alleged that, three persons fled on motorcycle, and as such, on above report, crime has been registered against three persons including two brothers and another person.

5. Learned APP made a statement that one of the accused is still at large. As pointed out, there is report that, at the instance of present applicant, Abhishek came along with loaded pistol and even used it by firing. Learned APP pointed out that empty shell as well as pistol has been recovered. However, investigation is still said to be in progress. Taking the above nature of allegations into consideration, this Court is not inclined to grant relief at this stage. Hence, the following order:

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]