



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**30 CRIMINAL APPLICATION NO. 4784 OF 2025
IN APEAL/962/2025**

MAROTI VENKATRAO BHINGE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Gunale V.D.
APP for Respondent/State : Mr. M.A. Aher
Advocate for assist to P.P. : Mr. Sachin Panale

...
**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATED : 20th APRIL, 2026.

ORDER :

The applicant is convicted in Sessions Case No.58/2010 under Section 307 read with Section 34 and Section 120-B of the Indian Penal Code and sentenced to suffer imprisonment for life. By this application, the applicant seeks bail.

2. Heard learned Advocate for the applicant, learned A.P.P. for the State and learned Advocate representing the victim. Perused the papers.

3. In short, the prosecution case is that the injured (PW-1) had given hand loan of Rs.5,00,000/- to the applicant for purchasing Jeep. PW-1 demanded the money back. On 28.09.2009, in the afternoon, the applicant called him to take the money. At around 6 p.m., the applicant came to Shivaji Chowk, Udgir and asked PW-1 to accompany him to go to his village, promising to pay the amount.

Accordingly, they proceeded towards the village. At Shelhal Pati, the applicant stopped his vehicle and got out. He suggested that since it was Dussehra, they should go to the field and bring Apatyachi Pane. Accordingly, PW-1, applicant and accused no.2 Laxman went to Maruti Bhinge's field on PW-1's motorcycle. At that time, the applicant took PW-1's mobile phone under the pretext of calling. When they had gone some distance, applicant pulled out a country-made pistol from his shirt and shot at PW-1's chest. He fell down, but managed to stand and started throwing stones towards the applicant. Accused no.2 approached PW-1 with an iron Tommy. PW-1 continued to throw stones to defend himself when both the accused ran away from the spot. Injury caused to PW-1 was bleeding, he left his motorcycle there and hid in the crops to reach the road. He tried to stop several vehicles, but none stopped. Lastly, a State Transport Bus arrived and stopped. He boarded the Bus, he was taken to the Government Hospital in Udgir and was admitted there. Then the Police were informed about the incident. PW-1 disclosed that the applicant fired a bullet at him with an intent to kill him. Accordingly, P.I. R.M. Jadhav, who was posted at Udgir Rural Police Station went to Government Hospital, Udgir at about 8.40 p.m. and met PW-1, who informed him the incident but he was unable to speak further, therefore, P.I. Jadhav filed report under section 307 of the Indian Penal Code read with Section 27 of the Arms Act, vide Crime No.152/2009.

4. Learned Advocate for the applicant submits that the impugned judgment of conviction cannot be sustained as the prosecution has failed to prove that the applicant is author of the crime. Except injured, there is no other eye witness. The panchanama of recovery of alleged weapon used in the crime is not proved by the

prosecution as both panchas turned hostile and the Investigating Officer has also expired. Accused no.2 whose weapon i.e. country made pistol (Exhibit-1), which is allegedly used in the crime, is acquitted from the offence punishable under the Arms Act. Therefore, the prosecution has failed to prove the recovery of weapon of the crime. F.I.R. is lodged after two days of incident that too by P.S.I. and not by the injured. He submits that trial Court has wrongly appreciated the evidence on record and has erroneously convicted the applicant. During the trial, the applicant has undergone six months imprisonment and after his conviction, the applicant is behind bars since 29.11.2025. The applicant has good case on merits and applicant hopes to succeed, hence he may be released on bail during the pendency of the present appeal.

5. Learned A.P.P. and learned Advocate for the victim strenuously opposed the application. With their assistance, we have perused the evidence brought on record by the prosecution during trial.

6. The prosecution in support of its case examined 16 witnesses. PW-1 injured has deposed in terms of F.I.R. His evidence is corroborated by the injury certificate (Exhibit - 125). Injuries are caused on the vital part i.e. neck and upper part of chest. The evidence of PW-1 is corroborated by the evidence of Medical witnesses PW-12 and PW-14. PW-9 driver and PW-11 conductor of the Bus have admitted PW-1 in hospital and their evidence has corroborated the version of PW-1. The weapon i.e. country made pistol (Exhibit-1) is recovered from the applicant. Ballistic report confirms that the country made pistol (Exhibit-1) was fired just prior to its receipt for ballistic examination. Thus, it corroborates the prosecution case that it was used

in the crime. F.I.R. is lodged on the date of incident.

7. On perusal of the impugned judgment and prosecution evidence, we are of the prima facie view that the trial Court has rightly appreciated the evidence and conviction of the applicant is sustainable in the facts of the present case. In that view of the matter, we are of the considered view that this is not a fit case to exercise discretion in favour of the applicant to release him on bail during the pendency of appeal. We find no merit in the application and the same is rejected.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)

sga